



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 4017 OF 2022 (MV-D)

BETWEEN:

1. RANGANATHA D.L
S/O LATE LINGANNA
AGED ABOUT 36 YEARS.

2. SHIVAKUMAR D.L
S/O LATE LINGANNA
AGED ABOUT 30 YEARS.

3. CHANDRASEKHAR D.L.
S/O LATE LINGANNA
AGED ABOUT 28 YEARS.

ALL ARE RESIDING AT
DODDERI HOBLI,
MADHUGIRI TALUK,
TUMKURU DISTRICT.

Digitally signed
by ANNAPURNA
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Location: HIGH
COURT OF
KARNATAKA

...APPELLANTS

(BY SRI. M.V. MAHESWARAPPA, ADVOCATE)

AND:

1. D.N KRISHNA MURTHY
S/O NAGAPPA



AGED ABOUT 24 YEARS,
R/AT DODDERI VILLAGE,
MADHUGIRI TALUK.

2. THE MANAGER
CHOLAMANDALAM M.S.
GENERAL INSURANCE
COMPANY LIMITED,
NO.04, 9TH FLOOR,LEVEL - 06
GOLDEN HEIGHTS COMPLEX
59TH 'C' CROSS,RAJAJINAGAR,
BANGALORE.

...RESPONDENTS

(BY SRI.VIJAY PHANEENDRA T.B., ADVOCATE FOR
SRI.A.N.KRISHNASWAMY, ADVOCATE FOR R2,
VIDE ORDER DATED 20.11.2025,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 31.08.2021
PASSED IN MVC NO.670/2019 ON THE FILE OF THE IV
ADDITIONAL DISTRICT JUDGE AND M.A.C.T., TUMAKURU-
MADHUGIRI, DISMISSING THE CLAIM PETITION FOR
COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimants against the judgment and award dated 31.08.2021 passed by the IV Addl.District Judge and MACT, Tumakuru, sitting at Madhugiri (for short `Tribunal'), in MVC No.670/2019.

2. Though appeal is slated for admission, with consent of learned advocates appearing for both the sides, the matter is taken up for final disposal.

3. For the sake of convenience, the parties are referred to as per their rankings before the Tribunal.

4. The Tribunal has dismissed the claim petition following the judgment of this Court in MFA.No.7074/2016 in the case of the Oriental Insurance Co., Ltd, vs. Naresh Babu N and another, wherein it was observed by this Court that if rider and pillion rider were not wearing helmet as required under the provision of law then in such



case, the claimant should be denied compensation and the same is challenged in the present appeal.

5. The case of the claimants in brief are that:

On 08.05.2019, deceased D.Lakshamma was travelling in the TVS Appachi motor cycle bearing registration No.KA-64-R-7677 as a pillion rider and one Shashidara was riding the said vehicle. It is stated that both were not wearing helmet at the time of the alleged incident. Due to his negligence, the said vehicle met with an accident as a result D.Lakshamma sustained injuries and while undergoing treatment she succumbed to the injuries.

6. The Tribunal has framed necessary issues and recorded the evidence. Thereafter, the Tribunal heard the arguments of both the sides and dismissed the claim petition by impugned judgment.

7. Learned counsel for the claimants vehemently contend that not wearing helmet may amount to traffic



offence and it was not a reason for causing of the accident in question. Under such circumstances, the claim made by the claimants for the death of D.Lakshmmamma cannot be denied. He further relied on the judgment of Division Bench of this Court in the case of the ***Reliance General Insurance Co., Ltd., and Smt. Shobha*** and others in MFA.No.2179/2018 C/w MFA.No.2325/2018 dated 31.05.2022, wherein this Court relied on the judgment of Division Bench of Madras High Court in the case of ***M/s United India Insurance Company vs. M.Ravikumar,*** and held that non-wearing of the protective headgear/helmet is not a reason for rejection of the claim petition unless it is shown that merely violation of the said provision, he is disentitled from claiming the compensation. The facts of the present case are similar in the above referred case. No ground assigned by learned counsel for respondent as to why the said principle is not applicable to the present case. In view of these reasons, the impugned order passed by the Tribunal dismissing the



claim petition under Section 166 of Motor Vehicles Act is not tenable.

8. In the present case, the Tribunal has not assessed the amount of compensation for which the claimant are entitled. Therefore, it has to be re-assessed by the Tribunal and compensation has to be calculated. Therefore, matter requires to be relegated to the Tribunal for assessment of the compensation including the point whether the accident was caused due to non-wearing of the helmet by the deceased.

9. Accordingly, I proceed to pass the following:

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 31.08.2021 passed in MVC.No.670/2019 by the IV Addl.District Judge and MACT, Tumakuru, sitting at Madhugiri is set aside.



iii) Matter is remanded to the Tribunal for re-assessment of the materials keeping in view the finding of the Division Bench of this Court in MFA.No.2179/2018 C/w MFA.No.2325/2018 dated 31.05.2022 and dispose of the matter in accordance with law.

Considering the date of disposal and to avoid further delay, both the parties are directed to appear before the Tribunal on **28.01.2026** without expecting any notice of summons from the Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

AG
List No.: 1 Sl No.: 32