



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 8098 OF 2022 (MV-D)

BETWEEN:

RELIANCE GENERAL INSURANCE CO.LTD.,
REGIONAL OFFICE
NO.28, 5TH FLOOR,
EAST WING,
CENTENARY BUILDING,
M.G. ROAD,
BENGALURU-560 001.
REP. BY ITS MANAGER LEGAL.

...APPELLANT

(BY SRI. D. VIJAYKUMAR, ADVOCATE)

AND:

1. SMT. AMRUTHA R.
W/O LATE RAVINDRA BABU G.S.
AGED ABOUT 27 YEARS,
2. KUM. DEEKSHA G.R.
ALIAS G.R. AKANKSHA
D/O. LATE RAVINDRA BABU G.S.
AGED ABOUT 7 YEARS,
3. KUM. MOKSHA G.R.
D/O LATE RAVINDRA BABU G.S.
AGED ABOUT 5 YEARS,
4. SMT. VENKATALAKSHMAMMA,
W/O. SRIRAMAIAH,
AGED ABOUT 66 YEARS

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by ANNAPURNA
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Location: HIGH
COURT OF
KARNATAKA





5. SRI. SRIRAMIAH
S/O LATE CHIKKA RAMAIAH
AGED ABOUT 71 YEARS,

SINCE RESPONDENT NO.2 AND 3
ARE MINORS,
REP. BY THEIR MOTHER AND NATURAL
GUARDIAN RESPONDENT NO.1,
SMT.AMRUTHA R.

ALL ARE R/AT.
GARUDANAHALLI VILLAGE,
MADIHALA POST,
KOLAR TALUK AND
DISTRICT-563 1257.

6. SRI. RAVINDRA REDDY N.,
S/O. NARAYANAREDDY
(MAJOR),
R/AT NO.51/1,
OM SHAKTHI NILAYA,
BETTADASANAPURA MAIN ROAD,
NEAR NEW HONZON SCHOOL
NEAR DODDATHOGURU
ELECTRONIC CITY
BENGALURU 560 100.

7. SRI. VIJAY MOL,
(MAJOR),
R/AT. DODDATHOGURU
ELECTRONIC CITY,
BENGALURU-560 100.
(EXPARTE)

...RESPONDENTS

(BY SMT. SUSHMITHA G., ADVOCATE FOR R1 TO R5,
R2 AND 3 ARE MINORS REPRESENTED BY R1),
VIDE ORDER DATED 15/01/2025,
NOTICE TO R6 AND R7 IS DISPENSED WITH)



THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.23.08.2022 PASSED IN MVC NO.7583/2018 ON THE FILE OF THE MACT, BENGALURU, (SCCH-9), AWARDING COMPENSATION OF RS.25,92,500/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF REALIZATION.

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 is an insurer's appeal against the judgment and award dated 23.08.2022 passed in MVC.No.7583/2018 on the file of Judge, Court of Small Causes and Member, MACT (SCCH-9), Bengaluru (for short 'the Tribunal').

2. This matter is slated for hearing on admission, with the consent of both the parties, the matter is taken up for final disposal.

3. The brief facts of the case are that on 28.11.2018 at about 1.00 p.m., Ravindrababu was riding motor cycle bearing registration No.KA-07-EA-5973 near Indian petrol bunk, Cheluvanahalli gate on Narasapura-



Kolar, NH-75 road, Kolar Taluk and District, at that time one Mahindra XUV car bearing registration No.KA-01-MH-6849 came from the same direction driven by its driver in a rash and negligent manner and dashed against the motor cycle. As a consequence, Ravindra Babu sustained grievous injuries and succumbed to the injuries at the spot. The claimants being his wife, children and parents filed the claim petition for compensation due to the death of said Ravindra Babu.

4. The respondent in its written statement denied the petition averments and it has contended that accident occurred due to negligence of rider of the motor cycle and not on account of negligence of the driver of the offending car. It also denied its liability to pay the compensation and prayed to dismiss the claim petition.

5. Based on the rival contentions of the parties, the Tribunal framed necessary issues. Recorded the



evidence of the claimants and after hearing the arguments allowed the petition in part.

6. Learned counsel for the appellant - insurer vehemently contended that manner in which the accident occurred itself clearly indicates that it was due to negligence of rider of the motor cycle. A statement given before the police reveals that after filling the petrol, he suddenly came on the main road without observing the movement of the vehicle. Due to which accident occurred. Had he waited for some time, he could have avoided the accident. Therefore, entire negligence was of the driver of the motorcycle. A false complaint was filed to the police station and on that basis, a criminal case was registered. The materials placed on record do not support the contentions of the claimants. It is further contended that Motor Vehicle Inspection report reveals that most of the damages were on the front portion of the motorcycle. It also indicates that the motorcycle itself hit the offending car. However, police have not investigated the case



properly and have filed a false charge sheet against driver of the car. The Tribunal has also not considered these facts properly and erroneously held that accident occurred due to negligence of driver of the offending vehicle. Therefore, prayed to set aside the said findings. Since the accident had not occurred due to the negligence of driver of the offending car, respondents are not liable to pay the compensation. With these reasons prayed to allow the appeal.

7. The learned counsel appearing for the claimants seriously opposed the contentions of the appellant. According to her submission, the accident occurred on the left side of main road. There was sufficient space available to pass through from the right side of the said motorcycle without difficulty. It clearly indicates that driver of the offending car was negligent in driving the car on National Highway road. It is further contended that in the cross examination of PW-1, it was not brought out regarding the exit point of the petrol bunk. Ex-P3 shows that the spot of



accident is little away from the said petrol bunk. Had the rider of the motorcycle suddenly came to main road from exit gate of petrol pump then he would have hit the car in front of exit gate of the petrol pump. But spot of accident is in front of another shop. The said fact reveals that accident had not occurred in the manner as stated by the learned counsel for the appellant.

8. The learned counsel for the respondent further contends that respondent has not examined the driver of the offending car or even the investigating officer to substantiate their contentions. There is no admission in the cross examination of PW1 regarding the incident. Therefore, the contention is not tenable. As owner and insurer of the offending car, respondents are liable to pay the compensation.

9. On perusal of Exs-P1 to P3, they do not disclose that rider of the motorcycle suddenly entered the main road without observing the movement of the vehicle.



Respondent No.2 has not examined any witnesses to substantiate its contentions. As rightly contended by the claimants, the spot of accident is not near to front side of exit gate of the petrol bunk and accident had occurred in front of another shop. Even Ex-P2 reveals that accident took place in front of Sairam Bar. Therefore, these documents do not support the contentions of respondent No.2 that at the exit gate of the petrol bunk, rider of the motorcycle without observing the movement of vehicle, entered the main road.

10. In Ex.P4, except Sl.No.8, other damages were to the front and the side portions of the motorcycle. It appears most of the damages were due to fall of the vehicle after accident. Only on that basis it cannot be presumed that the deceased was responsible for the accident in question. Moreover, the said charge sheet and enclosures were not challenged by the driver of the offending vehicle. If he was not negligent in driving his



vehicle, he could have challenged the same before the competent Court and on these circumstances, the contentions of the insurer that the accident occurred due to contributory negligence or sole negligence of the driver of the motorcycle is not acceptable.

11. On reconsideration of the materials available on record, whatever the amount of compensation awarded by the Tribunal is just and reasonable. There is no need to interfere in the said finding.

12. For the aforesaid discussion, I proceed to pass the following:

ORDER

- i. The appeal is ***dismissed***.
- ii. The impugned judgment and award dated 23.08.2022 passed by the MACT, Bengaluru (SCCH-9) in MVC.No.7583/2018 is confirmed.



iii. Whatever the amount deposited by the appellant, shall be transmitted to the Tribunal for disbursement.

Registry is directed to send back the trial Court record along with the copy of the judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

AG
List No.: 1 Sl No.: 22