

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.100242 OF 2015 (MV)

BETWEEN:

SHRI KALLAPPA RAMU JADHAV
AGE: 36 YEARS, OCC: AGRICULTURE,
R/O: KUROKI CHAL SANKESHWAR-591 313,
TQ: HUKKERI, DIST: BELAGAVI.

...APPELLANT

(BY SMT. SUNANDA P. PATIL, ADVOCATE)

AND:

1. SHRI RAMU KALLAPPA JADHAV
AGE: 58 YEARS, OCC: BUSINESS,
R/O: KHANADAL-416 502, TQ: GADHINGLAJ,
DIST: KOLHAPUR, MAHARASTRA STATE.
2. THE NEW INDIA ASSURANCE CO. LTD.,
BRANCH OFFICE LAXMI ROAD, GADHINGLAJ.
R/BY ITS DIVISIONAL OFFICE, CLUB ROAD,
BELAGAVI-590 001.
(POLICY NO.152304/31/06/01/00004033
VALID FROM 12.10.2006 TO 30.06.2007)

...RESPONDENTS

(BY SRI. S.V. YAJI, ADVOCATE FOR R2;
NOTICE TO R1 IS SERVED)

Digitally signed
by
MOHANKUMAR
B SHELAR
Location: High
Court of
Karnataka,
Dharwad Bench

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT 1988, PRAYING TO ALLOW THE APPEAL BY SETTING ASIDE THE JUDGMENT AND AWARD DATED 26.02.2013 IN MVC NO.405/2009 PASSED BY THE III ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT BELAGAVI AND AWARDED THE COMPENSATION OF RS.3,00,000/- TO THE APPELLANT IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.02.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

1. This appeal is filed by the appellant-claimant under Section 173(1) of the Motor Vehicles Act, 1988, calling in question the judgment and award passed by the Motor Accident Claims Tribunal in MVC No.405/2009, by which the claim petition filed by the claimant came to be dismissed.

2. The brief facts of the case are that the claimant filed a petition before the Tribunal seeking compensation on account of injuries said to have been sustained in a road traffic accident. It was the case of the claimant that the accident occurred due to the rash and negligent driving of the offending vehicle and that he had suffered injuries and financial loss. The respondents denied the said claim and contested the matter.

3. The Tribunal, after considering the pleadings, oral and documentary evidence, recorded a finding that the claimant failed to prove the involvement of the alleged offending vehicle as well as rash and negligent driving. On

such findings, the Tribunal dismissed the claim petition. Being aggrieved by the said judgment and award, the claimant has preferred the present appeal contending that the Tribunal has erred in appreciating the evidence and that the dismissal of the claim petition is unjust and improper.

4. Learned counsel for the appellant contended that the Tribunal failed to properly appreciate the oral and documentary evidence placed on record and that the claimant had sufficiently proved the occurrence of the accident, involvement of the offending vehicle and negligence. It was submitted that the dismissal of the claim petition is erroneous and requires interference.

5. *Per contra*, learned counsel for the respondent No.2 supported the impugned judgment and award and submitted that the Tribunal has correctly appreciated the evidence on record and that the claimant failed to establish the essential ingredients of a claim under Section 166 of the Motor Vehicles Act. It was further submitted that no interference is warranted.

6. This Court has carefully considered the submissions made by both sides and perused the material available on record.

7. On examination of the evidence, it is clear that the Tribunal has assigned cogent and convincing reasons for rejecting the claim petition. The Tribunal has specifically recorded that the claimant failed to establish the involvement of the offending vehicle in the accident and also failed to prove rash and negligent driving. The findings recorded by the Tribunal are based on proper appreciation of both oral and documentary evidence and do not suffer from any perversity or illegality.

8. It is well settled that in an appeal under Section 173 of the Motor Vehicles Act, interference is warranted only when the findings recorded by the Tribunal are perverse, arbitrary or contrary to the evidence on record. No such circumstances are made out in the present case. The appellant has not placed any convincing material before

this Court to demonstrate that the findings recorded by the Tribunal are erroneous or require interference.

9. This Court finds that the reasons assigned by the Tribunal are just, proper and in accordance with law.

10. Accordingly, the appeal is dismissed. No order as to costs.

**Sd/-
(DR. K.MANMADHA RAO)
JUDGE**

RSH, CT:VP