

**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.102470 OF 2017 (MV)

BETWEEN:

VIJAYA MAHANTESHA KATTA,
S/O LINGAPPA,
AGED ABOUT 36 YEARS, HINDU,
OWNER OF MOTOR CYCLE
BEARING REGN NO.KA-35/R-8797,
R/O: 2/90, NO-10, MUDDAPUR VILLAGE,
KAMPLI-583001.

...APPELLANT

(BY SRI. Y. LAKSHMIKANT REDDY, ADVOCATE)

AND:

1. HONNUR BEE,
W/O VARKALI NAZEER,
AGE. 33 YEARS, OCC: HOUSEHOLD WORK,
2. ALFIA,
S/O LATE V. NAZEER,
AGED ABOUT 5 YEARS,
3. NOUSHAD,
S/O LATE. V. NAZEER,
AGED ABOUT 3 YEARS,

RESPONDENT NOS.2 & 3 ARE MINORS, REPRESENTED BY
NATURAL GUARDIAN MOTHER
HONNUR BEE RESPONDENT NO.1

4. SANNA BAVA SAB VARKALI,
S/O HUSSAIN SAB,
AGED ABOUT 66 YEARS,

5. HUSSAIN BEE,
W/O VARKALI SANNA BAVA SAB,
AGE. 61 YEARS, OCC: HOUSEHOLD.

ALL ARE R/O. 2ND WARD, MARIYAMMANAHALLI,
HOSAPETE TALUK, BALLARI DISTRICT-583201.

6. PRAKASHA,
S/O RAMAPPA,
AGE. 31 YEARS, HINDU,
DRIVER OF BAJAJ DISCOVERY
MOTOR CYCLE BEARING NO.KA-35/R-8797,
R/O: 6TH WARD, MARIYAMMANAHALLI,
HOSAPETE-583101.

...RESPONDENTS

(BY SRI. V. SHIVARAJ HIREMATH, ADVOCATE FOR R1 TO R5;
NOTICE TO R6 IS SERVED)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO SET
ASIDE THE JUDGMENT AND AWARD DATED 01.03.2017 PASSED
IN MVC NO.249/2016 PASSED BY THE PRINCIPAL SENIOR CIVIL
JUDGE AND JMFC HOSAPETE IN SO FAR AS THE APPELLANT IS
CONCERNED.

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-owner of the vehicle 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.249/2016.

2. The Tribunal, by the impugned order, allowed the claim petition and fastened liability upon the appellant-owner to pay compensation to the claimants. Being aggrieved by the said judgment and award, the owner of the vehicle has preferred the present appeal contending that the Tribunal has passed the impugned order without impleading necessary and proper parties and without affording sufficient opportunity to the appellant.

3. Learned counsel for the appellant submits that the accident in question involved multiple vehicles and that certain necessary parties were not impleaded before the Tribunal. It is contended that due to non-impleadment of such parties, the Tribunal could not have effectively

adjudicated upon the real cause of the accident and the liability arising therefrom.

4. It is further submitted that the appellant intends to implead the said necessary parties and seeks an opportunity to place all relevant materials on record. Hence, a prayer is made to remand the matter to the Tribunal for fresh consideration.

5. Learned counsel appearing for the respondents supports the impugned judgment. However, he fairly submits that if this Court is inclined to remand the matter, appropriate directions may be issued to ensure expeditious disposal.

6. Having considered the submissions of both sides and on perusal of the material on record, it is evident that the appellant is seeking an opportunity to implead necessary parties, which appears to be reasonable for proper and effective adjudication of the dispute.

7. Proceedings before the Motor Accident Claims Tribunal are summary in nature and substantial justice should prevail over technicalities. If necessary parties are not before the Tribunal, there is every possibility of incomplete adjudication, leading to further litigation.

8. In the interest of justice, the appellant deserves an opportunity to implead the necessary parties and the matter requires fresh consideration by the Tribunal after affording reasonable opportunity to all concerned. Accordingly, the following:

ORDER

- (i) Appeal is allowed.
- (ii) The judgment and award passed in MVC No.249/2016 is set aside. The matter is remanded to the Tribunal for fresh disposal in accordance with law.
- (iii) The appellant is permitted to implead the necessary parties. All parties are permitted to file their written statements and additional pleadings, if any.

- (iv) The Tribunal shall afford reasonable opportunity to all parties to adduce evidence and shall dispose of the matter afresh in accordance with law.
- (v) The parties are directed to appear before the Tribunal on a date to be fixed by the Tribunal, without awaiting fresh notice.
- (vi) The Tribunal shall endeavor to dispose of the matter as expeditiously as possible, preferably within a period of six months from the date of appearance of the parties.
- (vii) All contentions of the parties are kept open.

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

Rsh, CT:VP