

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 9TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.102850 OF 2016 (MV)

BETWEEN:

THE BRANCH MANAGER,
NATIONAL INSURANCE CO. LTD.,
MAIN ROAD, PARVATHI NAGAR, BALLARI.
REPRESENTED BY MANAGER,
NATIONAL INSURANCE CO. LTD.,
REGIONAL OFFICE, 2ND FLOOR,
ARIHANT PLAZA, KUSUGAL ROAD,
KESHWAPUR, HUBBALLI.

...APPELLANT

(BY SRI. M.K. SOUDAGAR, ADVOCATE)

AND:

1. K. RAMESH
S/O KRISHAMURTHY,
AGE: 48 YEARS, OCC: LAB CHEMIST,
R/O: MATRU SADAN, OPPOSITE OF MESTRI
SANJAPPA HOUSE, SATYA SAI COLONY,
BEHIND HUSSAIN NAGAR, BALLARI.
2. SHRI. HULUGAPPA
S/O HONNURAPPA,
AGE: 61 YEARS,
R/O: NEAR SUNKALAMMA TEMPLE,
SIRIVARA VILLAGE, BALLARI.
3. RAMANJINI
S/O HULUGAPPA,
AGE: 23 YEARS,
R/O: NEAR SUNKALAMMA TEMPLE,
SIRIVARA VILLAGE, BALLARI.

...RESPONDENTS

(BY SRI. T. BASAVANA GOUD, ADVOCATE FOR R1;
NOTICE TO R2 IS SERVED;
NOTICE TO R3 IS DISPENSED WITH)

MOHANKUMAR
B SHELAR

Digitally signed by
MOHANKUMAR B SHELAR
Location: High Court of
Karnataka, Dharwad Bench
Date: 2026.01.19 15:55:27
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THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, AGAINST THE JUDGMENT AND AWARD DATED 13.05.2016, PASSED IN MVC.NO.775/2013 ON THE FILE OF THE MOTOR ACCIDENT CLAIM TRIBUNAL-II, BALLARI, AWARDED THE COMPENSATION OF RS.8,12,660/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE DATE OF PETITION TILL REALISATION & ETC.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.01.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

CAV JUDGMENT

This appeal is filed under Section 173(1) of Motor Vehicles Act, 1988 (hereinafter referred to as 'MV Act') by the Insurance Company challenging by the Judgment and Award dated 13.05.2016 passed by the Motor Accidents Claims Tribunal-II, Ballari in MVC No.775/2013.

2. For convenience, the parties are referred to, based on their rankings before the Tribunal.

3. Facts giving rise to the filing of the appeal briefly stated are as under:

On 04.01.2013 at about 8.50 p.m., the petitioner along with his friends were sitting on the culvert wall, respondent No.2 being the driver of the Hero Honda Slender

motorcycle bearing Reg.No.KA-34/X-4184 came in a high speed and in a rash and negligent manner and dashed to the petitioner. Due to the said impact, the petitioner sustained injuries. Immediately after the accident, the petitioner was shifted to VIMS Hospital, Ballari and he took treatment from 04.01.2013 to 15.01.2013. Thereafter he was admitted to R.K.Hospital, Ballari on 14.03.2013 and underwent major surgery for removal of the steel rods fixed in his left leg. Due to the injuries sustained by the petitioner, he is not in a position to stand properly and walk and he could not attend his job properly. The petitioner spent huge amount towards treatment. The petitioner filed a claim petition under Section 166 of the M.V.Act claiming compensation of Rs.10,00,000/-.

4. In response to court notice, the respondents appeared before the Tribunal and respondent-Insurance Company filed written statement denying the averments made in the claim petition, except admitting that, the motorcycle was insured with it. It is stated that claim

petition is not maintainable. It is stated that respondent No.2-rider of the motorcycle did not possess a valid and effective driving licence as of the date of the accident. The Insurance Company denies the age, occupation and income of the petitioner and also the medical expenses as stated by the petitioner. The compensation claimed by the petitioner is highly excessive and exorbitant. Hence, prays to dismiss the claim petition against respondent No.3-Insurance Company.

5. The Tribunal on the basis of the pleadings of the parties, framed issues. The petitioner examined himself as P.W.1, examined the doctor as P.W.2 and got marked documents Exs.P1 to Ex.P21. On the other hand, respondent No.3-Insurance Company examined its Administrative Officer as R.W.1 and got marked documents Exs.R1 and R2. The Tribunal after assessing the oral and documentary evidence, allowed the claim petition in part and awarded compensation of Rs.8,12,660/- with interest at the rate of 6% p.a., from the date of petition till the date of

realization and respondent-Insurance Company was directed to deposit the said amount with interest.

6. The Insurance Company, aggrieved by the judgment and award passed by the Tribunal, filed this Miscellaneous First Appeal.

7. Learned counsel for the appellant-Insurance Company submitted that the Tribunal committed an error in fastening liability on the Insurance Company to pay the compensation and recover the same from the owner of the offending motorcycle. He submits that the Tribunal erred in taking the income of the petitioner at Rs.19,568/- p.m. in the absence of the salary certificate. He also submits that the Tribunal has awarded Rs.13,000/- towards medical expenses in the absence of medical bills. He submits that the compensation awarded by the Tribunal towards loss of income during laid up period, loss of future earning and towards loss of future prospects. Hence, on these grounds, he prays to allow the appeal by reducing the compensation.

8. Per contra, learned counsel for the respondent No.1-claimant supports the impugned judgment and award passed by the Tribunal. He submits that the compensation awarded by the Tribunal is just and proper, and do not call for any interference by this court. Hence, on these grounds, he prays to dismiss the appeal.

9. Heard learned counsel appearing on either side and perused the material placed on record.

10. On careful consideration of the submissions made by the learned counsel appearing for the parties and on perusal of the material placed on record, this court finds that the Tribunal has properly appreciated the oral and documentary evidence and has awarded compensation under different heads in a just and reasonable manner. Further, the medical expenses awarded at Rs.13,000/-, considering the nature of injuries and treatment undergone by the claimant, are reasonable and do not warrant interference.

11. It is further observed that, the direction issued by the Tribunal fastening the liability on the Insurance Company with liberty to recover the same from the owner of the offending vehicle is in accordance with law as the respondents No.1 and 2 failed produce valid driving license before the Tribunal.

12. In view of the foregoing discussions, this Court does not find any perversity or illegality in the judgment and award passed by the Tribunal warranting interference under Section 173(1) of the Motor Vehicles Act. Accordingly, the appeal is devoid of merits and the same is required to be dismissed.

13. Accordingly, this court proceeds to pass the following:

ORDER

- i) The appeal is ***dismissed.***
- ii) The judgment and award passed by the Motor Accidents Claims Tribunal-II, Ballari in MVC No.775/2013 is hereby confirmed.

- iii) The amount in deposit, if any, shall be transmitted to the Tribunal concerned, forthwith.

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

MBS,
CT:VP