

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.102805 OF 2017 (MV)

BETWEEN:

1. SMT. YALLAWWA
W/O UMESH SARAPANNAVAR
AGE: 32 YEARS, OCC: HOUSEHOLD WORK,
R/O: GORABAL VILLAGE,
NOW RESIDING AT NEERALAKERI,
TQ: BADAMI, DIST: BAGALKOT-587602.
2. SOUMYA
D/O UMESH SARAPANNAVAR
AGE: 9 YEARS, OCC: STUDENT,
R/O: GORABAL VILLAGE,
NOW RESIDING AT NEERALAKERI,
TQ: BADAMI, DIST: BAGALKOT-587602.
3. RENUKA
D/O UMESH SARAPANNAVAR
AGE: 7 YEARS, OCC: STUDENT,
R/O: GORABAL VILLAGE,
NOW RESIDING AT NEERALAKERI,
TQ: BADAMI, DIST: BAGALKOT-587602.
4. ABHISHEK
S/O UMESH SARAPANNAVAR
AGE: 4 YEARS, OCC: NIL,
R/O: GORABAL VILLAGE,
NOW RESIDING AT NEERALAKERI,
TQ: BADAMI, DIST: BAGALKOT-587602.
(APPELLANTS NO.2 TO 4 MINORS AND
THEY ARE R/BY THEIR GUARDIAN MOTHER
APPELLANT NO.1)

5. SMT. GANGAVVA
W/O SHIVAPPA SARAPPANNAVAR
AGE: 64 YEARS, OCC: HOUSEHOLD WORK,
R/O: GORABAL, TQ: SAUNDATTI,
DIST: BELAGAVI-591126.

6. SHIVAPPA
S/O DUNDAPPA SARAPPANNAVAR
AGE: 69 YEARS, OCC: AGRICULTURE,
R/O: GORABAL, TQ: SAUNDATTI,
DIST: BELAGAVI-591126.

...APPELLANTS

(BY SRI. ANAND BAGEWADI, ADVOCATE)

AND:

THE GENERAL MANAGER,
NEW INDIA ASSURANCE COMPANY LTD.,
BUILDING 87, M.G. ROAD, FORT MUMBAI,
THROUGH DIVISIONAL MANAGER,
NEW INDIA ASSURANCE COMPANY LTD.,
DIVISION OFFICER, CLUB ROAD, BELAGAVI,
TQ: AND DIST: BELAGAVI-590001.

...RESPONDENT

(BY SRI. RAVINDRA R. MANE, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT, PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND AWARD DATED 03.04.2017 PASSED BY THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT., SAUNDATTI IN MVC NO.2600/2013 THE COMPENSATION BY ALLOWING THIS APPEAL, 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 appellants-claimants under Section 173(1) of the Motor Vehicles Act, 1988, calling in question the judgment and award dated 03.04.2017 passed by the Senior Civil Judge and Additional MACT, Saundatti, in M.V.C. No.2600/2013, whereby the claim petition filed under Section 166 of the Act came to be dismissed.

2. The case of the claimants before the Tribunal was that on 07.12.2012 the deceased Umesh Sarapannavar was riding the motor cycle bearing registration No. KA-22/TC-242 with one Basavaraj Dharigonda as pillion rider. It was alleged that a truck coming from the opposite direction in a rash manner caused the deceased to lose control of the motor cycle, resulting in the vehicle dashing against a guard stone, due to which the deceased sustained grievous injuries and later died on 29.12.2012. The claim petition was filed by the wife, minor children and parents of the deceased seeking compensation from the insurer of the motor cycle under Section 166 of the Motor Vehicles Act.

3. The Tribunal, on appreciation of the pleadings and evidence, dismissed the claim petition holding that the accident occurred due to the negligence of the deceased himself and that the insurer could not be held liable. Being aggrieved by the same, appellants – claimants have filed this appeal.

4. Learned counsel for the appellants contended that the Tribunal committed an error in dismissing the claim petition. It was submitted that the accident occurred due to the rash and negligent act of an unknown vehicle and that the Tribunal failed to properly appreciate the evidence on record.

5. *Per contra*, learned counsel for the respondent-insurance company supported the impugned judgment and contended that the deceased himself was riding the motor cycle, that no third-party vehicle was involved, and that a claim under Section 166 of the Motor Vehicles Act itself was not maintainable.

6. On consideration of the submissions and the material on record, it is not in dispute that the deceased himself was riding the motor cycle involved in the accident and that no offending vehicle was identified.

7. The complaint and charge sheet placed on record do not establish negligence on the part of any other vehicle. The materials clearly indicate that the deceased lost control of the motor cycle and dashed against a guard stone. When the deceased himself was the rider of the motor cycle and the accident occurred due to his own negligence, he cannot be treated as a third party for the purpose of Section 166 of the Motor Vehicles Act. The liability of the insurer under Section 166 of the Act arises only when the accident is caused due to the rash and negligent act of another person or vehicle. In a case of self-negligence by the owner-cum-rider, the claim under Section 166 of the Act is not maintainable. The Tribunal has rightly held that the claim petition itself was not maintainable. Consequently, the

present appeal filed against such dismissal is also not maintainable.

8. Even otherwise, no material is placed before this Court to show that the findings recorded by the Tribunal suffer from perversity or illegality warranting interference.

9. In view of the above, the appeal is not maintainable and is accordingly dismissed.

10. No order as to costs.

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

RSH, CT:VP