



CNR: KAHC010002552026

NC: 2026:KHC:45987
MFA No. 42 of 2026
C/W MFA No. 265 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 42 OF 2026 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 265 OF 2026 (MV-I)

IN MFA No. 42/2026

BETWEEN:

PRAVEEN
AGED ABOUT 39 YEARS,
S/O RAJU SAPALIGA,
R/AT ANGADI BETTU HOUSE, 125,
BAILUR, POST BAILUR, KARKALA TALUK,
BAILOOR,
UDUPI.

...APPELLANT

(BY SRI. H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. PUSHPAVATHI
AGED ABOUT 37 YEARS,
D/O BIRUKULA,
R/O 1-91C, PUSHPARAJA NILAYA,
AJEKAR, KARKALA TALUK,
UDUPI.
2. THE DIVISIONAL MANAGER
UNITED INDIA INS CO. LTD.,
DIVISIONAL OFFICE,
JEWEL PLAZA, MARUTHI VITHIKA,

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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OPP. SHRINIDHI MEDICAL,
CHITTARANJAN CIRCLE,
UDUPI.

...RESPONDENTS

(BY SRI.BENNI RAVISH CHANDRASHEKAR.,ADVOCATE FOR R2;
VIDE ORDER DATED 08.01.2026, NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 07.11.2025 PASSED IN MVC
NO.122/2024 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND ADDITIONAL MACT, UDUPI, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 265/2026

BETWEEN:

1. THE DIVISIONAL MANAGER
UNITED INDIA INS. CO. LTD.,
DIVISIONAL OFFICE, JEWEL PLAZA,
MARUTHI VITHIKA,
OPP. SHRINIDHI MEDICAL,
NEAR CHITTARANJAN CIRCLE,
UDUPI.

REPRESENTED BY TP HUB INCHARGE
UNITED INDIA INSURANCE CO. LTD.,
NO.1137/947, 2ND FLOOR, RUB BUILDING,
A.A. CIRCLE, B.H. ROAD,
SHIVAMOGGA - 577 201.

...APPELLANT



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(BY SRI. BENNI RAVISH CHANDRASHEKAR., ADVOCATE)

AND:

1. PRAVEEN
S/O. RAJU SAPALIGA,
AGED ABOUT 39 YEARS,
R/O. ANGADI BETTU HOUSE,
125, BAILUR, POST BAILUR,
KARKALA TALUK, BAILOOR,
UDUPI - 574 102.
2. MRS. PUSHPAVATHI
D/O. BIRUKULA,
AGED ABOUT 37 YEARS,
R/O. 1-91C, PUSHPARAJA NILAYA,
AJEKAR, KARKALA TALUK,
UDUPI - 574 101.

...RESPONDENTS

(R1 - SERVED BUT UNREPRESENTED;
VIDE ORDER DATED 25.08.2026, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 07.11.2025 PASSED IN MVC
NO.122/2024 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND ADDITIONAL MACT, UDUPI, AWARDING
COMPENSATION OF RS. 5,13,000/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL
REALIZATION.



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THESE APPEALS COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

Miscellaneous First Appeal No.42/2026 is filed by the claimant seeking for enhancement of compensation and Miscellaneous First Appeal No.265/2026 is filed by the insurer challenging the Judgment and Award dated 07.11.2025 passed in MVC No.122/2024 by II Additional Senior Civil Judge and Additional MACT, Udupi.

2. Even though both the matters are listed today for admission, with the consent of both the learned counsels appearing for parties, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 22.08.2023 contending that the accident occurred due to rash and



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negligent driving by the driver of Maruthi Swift Dzire Car bearing registration No.KA-20-N-8976.

4. The Tribunal after recording the evidence of both the parties, appreciating the evidence on record gave finding that the accident occurred due to rash and negligent driving of the driver of Maruthi Swift Dzire car bearing registration No.KA-20-N-8976 and assessed the compensation and awarded compensation under various heads in a sum of Rs.5,13,000/- with interest.

5. The insurer has challenged the finding of the Tribunal with regard to rash and negligent driving of the driver of insured vehicle. The claimant has filed the appeal seeking enhancement of compensation awarded by the Tribunal.

6. Heard the learned counsels appearing for the parties in both the appeals.



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7. Learned counsel for the insurer would contend that, Ex.R1 - FIR in Crime No.106/2023 of Karkala Police Station has been registered against the claimant for offences punishable under Sections 279 and 337 of Indian Penal Code, 1860 that itself indicates that the rash and negligent driving is alleged against the claimant himself. The Police subsequently conducted investigation and filed the charge sheet against the claimant for offences punishable under Sections 279 of Indian Penal Code. The claimant has not placed on record the said FIR and the charge sheet filed against him in Crime No.106/2023. Without the said documents on record, the Tribunal has erred in giving finding on issue No.1 that the accident occurred due to rash and negligent driving of the driver of Maruthi Swift Dzire Car. Therefore, he prayed for remanding the matter to the Tribunal so that both the parties can place the record the FIR, charge sheet and other materials in order to give proper finding on issue No.1.



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8. Learned counsel for the claimant would contend that, the insurer has not produced the charge sheet before the Tribunal, but only produced the copy of FIR. The Tribunal based on materials on record has rightly given finding on issue No.1. He submits that, the claimant has not produced the FIR and charge sheet before the Tribunal.

9. Having heard the learned counsel for appellant/claimant and learned counsel for insurer in both the appeals, the Court has perused the impugned Judgment, Award and other materials placed on record.

10. The Tribunal based on pleadings has framed the issues and out of them, issue No.1 reads as under:

"1. Whether the petitioner proves that he had sustained grievous injuries in a road traffic accident that occurred on 22-08-2023, at about 06:15 p.m., near Neere Jeddu, Neere Village, Karkala Taluk, Udupi, due to the rash and negligent driving of the driver of



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*the Maruthi Swift Dezire Car bearing
Reg.No.KA-20-N-8976, as alleged in the
petition?"*

11. The burden of proving issued No.1 was on the claimant. In order to prove the said issue, except the claimant leading his oral evidence, not placed on record any documents i.e., FIR, complaint and charge sheet. The insurer has produced the copy of FIR at Ex.R1. The said FIR in Crime No.106/2023 is registered against the claimant for offences punishable under Sections 279 and 337 of Indian Penal Code, 1860. What was the investigation in the said crime and whether charge sheet has been filed, if so filed against whom has not been brought on record.

12. Even inspite of that the Tribunal has erred in giving finding on issue No.1 in the affirmative, there is no materials on record to establish that the driver of Maruthi Swift Dzire car bearing registration No.KA-20-N-8976 drove his car in a rash and negligent manner and caused



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the accident. In view of the above, finding on issue No.1 requires to be set-aside.

13. Learned counsel for the appellant/claimant seeks remand of the matter so as to produce the relevant documents mainly the charge sheet and other documents.

14. Considering the said aspects, the matter requires to be remanded to the Tribunal to give an opportunity to both the parties to produce documents and lead further evidence.

15. In view of the above, the following:

ORDER

*i) Both Miscellaneous First Appeals are **allowed** as under:*

*a) Judgment and Award dated 07.11.2025 passed MVC No.122/2024 by II Additional Senior Civil Judge and Additional MACT, Udupi is **set-aside**.*



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- b) The matter is remanded to the Tribunal with a direction to give an opportunity to both the parties to produce documents and to lead further evidence.*
- c) The insurer and the claimant shall appear before the Tribunal on 25.09.2026 without awaiting any Court notice.*
- d) The amount so deposited by the insurer is ordered to be refunded to the appellant/insurer by account transfer.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 38