



CNR: KAHC010011562020

NC: 2026:KHC:54407
MFA No. 1916 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
MISCELLANEOUS FIRST APPEAL NO. 1916 OF 2020
(MV-D)

BETWEEN:

1. SMT. LAKSHMI DEVI,
AGED ABOUT 53 YEARS,
W/O LATE RAMAKRISHNAPPA,
R/AT NO.20, BADDI PALLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.
2. SMT. SAROJAMMA,
AGED ABOUT 33 YEARS,
D/O LATE RAMAKRISHNAPPA,
R/AT NO.20, BADDI PALLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.
3. SMT. KRISHNAVENI,
D/O LATE RAMAKRISHNAPPA,
AGED ABOUT 31 YEARS,
R/AT NO.20, BADDI PALLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563 135.

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signed by
SUSHMA
LAKSHMI B
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Location:
High Court
of
Karnataka

...APPELLANTS

(BY SRI. NAGARAJA REDDY D., ADVOCATE)



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AND:

1. UNITED INDIA INSURANCE CO. LTD.,
SUGUNA NURSING HOME CIRCLE,
ANTHARGANGE ROAD,
NEAR KSRTC BUS STAND,
KOLAR - 560 101.
REP. BY ITS MANAGER.
2. SRI. SANDEEP T. R.,
AGED MAJOR,
S/O RAMA REDDY J,
R/A NO.38, SAPTH SHREE,
2ND FLOOR, 3RD CROSS,
NANJA REDDY COLONY,
BENGALURU - 560 017.

...RESPONDENTS

(BY SRI. B. C. SHIVANNE GOWDA., ADVOCATE FOR R1;
R2 IS SERVED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 01.03.2019, PASSED IN MVC.NO.3992/2016, ON THE FILE OF THE XVI ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER, M.A.C.T. AT BENGALURU, (SCCH-14), DISMISSING THE CLAIM PETITION FOR COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 17.09.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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CAV JUDGMENT

1. The appellants are wife and two daughters of the deceased are before this Court being aggrieved by the judgment dated 01.03.2019 passed in MVC.No.3992/2016 on the file of the Motor Vehicle Claims Tribunal, Bangalore City (SCCH-14) (*for short MACT*), wherein, the Tribunal has dismissed the claim petition filed by the claimants.

Factual matrix of the case:

2. On 04.08.2013, the deceased was riding TVS Excel Moped bearing registration No.KA-05-V-3648 on Addagal to Kurigepalli road near KEB Office, Srinivaspura Taluk, Kolar District. At that time, the rider of the motor cycle bearing registration No. KA-03-EQ-1476 riding the same in a rash and negligent manner with high speed and dashed against the deceased TVS Moped, as a result of which, the deceased was fell down and sustained grievous injuries. Though, the injured has been treated by different hospitals and different doctors, he has lost his breath on 08.09.2013. Therefore, a claim petition



was filed for compensation and the same came to be dismissed by the Tribunal.

3. Heard learned counsel for the respective parties.

4. Learned counsel for the appellant submits that the claim petition came to be dismissed on the ground that complaint was lodged after lapse of 06 days from the date of accident. The said findings of the Tribunal are contrary to the evidence on record. In fact, the injured had sustained external injuries on all over the body.

5. It is further submitted that the Tribunal has held that MLC record of the deceased has not been produced and also opined that the deceased has not taken treatment from the hospital. In fact, the Tribunal also noted that the history of the patient given before the NIMHANS would indicate that two wheeler rider got skid and fell and he was also not holding driving license and the vehicle was not insured, the said finding is contrary to the evidence on record, therefore, the same has to be set aside and the appeal may be allowed. Making such



submission learned counsel for the appellant prays to allow the appeal.

6. *Per Contra*, learned counsel for the respondent No.1 justified the judgment of the Tribunal and prays to dismiss the appeal.

7. Having heard learned counsel for the respective parties and also on perusal of findings of the Trial Court, it would indicate that there is 06 days delay in lodging the complaint. Admittedly, P.W.-1 is not an eye witness to the accident. R.W.-2 who was working as Data Entry Operator of SNR Hospital, Kolar, has stated in his evidence that on 04.08.2013, the deceased was not admitted to the hospital. R.W.-3 produced MLC as Ex-R.3 issued by NIMHANS Hospital, it would indicate that deceased sustained injuries due to self fall from the moving vehicle, skid and fall. Having considered the evidence of all the witnesses, it can be inferred that the findings of the Trial Court in awarding the compensation appears to be proper and appropriate. There is no occasion for this Court to interfere with the said findings.



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8. Hence, I proceed to pass the following:

ORDER

This appeal stands *dismissed*.

**Sd/-
(S RACHAIAH)
JUDGE**

NM/-
List No.: 1 Sl No.: 52