



CNR: KAHC010048822020

NC: 2026:KHC:43048
MFA No. 2900 of 2020
C/W MFA No. 6018 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2900 OF 2020 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.6018 OF 2021 (MV-I)

IN MFA NO. 2900/2020

BETWEEN:

1. SMT. RANGAMMA
W/O LATE GOVINDARAJU
AGED ABOUT 51 YEARS
R/AT T. HOSAHALLI,
KASABA HOBLI, KUNIGAL,
TUMAKUR - 572 130
KARNATAKA,
ALSO RESIDING AT
NO.15 10TH CROSS,
2ND MAIN ROAD, VIGNESHWARA NAGAR
SUNKADAKATTE, BENGALURU - 91.
2. SMT. NANJAMMA
W/O LATE GOVINDARAJU
AGED ABOUT 46 YEARS,
R/AT T. HOSAHALLI,
KASABA HOBLI, KUNIGAL
TUMAKURU - 572 130
KARNATAKA

...APPELLANTS

(BY SRI. K.V. NAIK, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. SMT. SHIVAMMA N.
W/O CHIKKANNA
RESIDING AT NO.11/8,
PIPELINE ROAD, V.N. POST,
BENGALURU - 560 091.
2. THE MANAGER
IFFCO TOKIO GENERAL INSURANCE
BRUNDAVANA BUILDING
GROUND FLOOR, NO.P6-(D),
1ST MAIN, 1ST STAGE,
PEENYA INDUSTRIAL AREA
BENGALURU - 560 058.
KARNATAKA.

...RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2
V/O. DT. 25.07.2023, NOTICE TO R1-H/S)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.13.08.2019 PASSED IN MVC
NO.3179/2017 ON THE FILE OF THE XVI ADDITIONAL JUDGE,
COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU,
(SCCH-14), DISMISSING THE PETITION FOR COMPENSATION.

IN MFA NO. 6018/2021

BETWEEN:

SHABEER @ SHABBIR AHMED,
S/O NAZEER AHAMED
NOW AGED ABOUT 28 YEARS
R/A MATADAGUDDE, HALEPET,
HULIYURDURGA TOWN,



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KUNIGAL TALUK,
TUMKUR DISTRICT.

...APPELLANTS

(BY SRI. RAGHU R., ADVOCATE)

AND:

1. SHIVAMMA N.
W/O CHIKKANNA
MAJOR, R/A NO.11/8,
PIPELINE ROAD, V.V. POST,
ANJANANAGAR, MAGADI MAIN
ROAD, BENGALURU - 560 091.
2. THE MANAGER
IFFCO TOKIO GEN INSURANCE CO. LTD.,
BRINDAVANA BUILDING
FLOOR-P6(D), 1ST MAIN,
1ST STAGE, PEENYA INDUSTRIAL
AREA, BENGALURU - 560 058.

...RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2
V/O. DT. 17.12.2024, NOTICE TO R1-D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.05.11.2019 PASSED IN MVC
NO.5687/2017 ON THE FILE OF THE I ADDITIONAL SMALL
CAUSES JUDGE AND MACT, BENGALURLU, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals arise out of the same accident that occurred on 09.03.2017 at about 7.30 p.m.

2. MFA No.2900/2020 arises out of the judgment and award dated 13.08.2019 passed in MVC No.3179/2017 by the XVI Addl. Judge and MACT, Court of Small Causes, Bengaluru, SCCH-14, (hereinafter referred to as 'the Tribunal') by the claimants under Section 166 of the Motor Vehicles Act, 1988, came to be dismissed.

3. Whereas, MFA No.6018/2021 arises out of the judgment and award dated 05.11.2019 passed in MVC No.5687/2017 by the C/c XXIII Addl. Small Causes Judge and XI ACMM, (hereinafter referred to as 'the Tribunal') whereby the claim petition was partly allowed and compensation of Rs.3,91,700/- was awarded with interest at 6% per annum from the date of the petition till realization.

4. The factual matrix of the case in both the appeals is that, on 09.03.2017 at about 7.30 p.m., the appellant in MFA



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No.6018/2021, namely, Shabeer @ Shabbir Ahmed, was proceeding on a motorcycle bearing Reg. No. KA-05-EU-6536 from Kunigal side. At the same time, deceased Govindaiah alias Govindaraju, husband of appellant No.1 in MFA No.2900/2020, was proceeding as a pillion rider along with his friend, namely, M.G. Yogesh Gowda, on a motorcycle bearing Reg. No. KA-41-EE-3878 from Madappanahalli towards Kunigal. When both the motorcycles reached T. Hosahalli near Gollarahatti, they collided with each other. Due to the impact, Govindaiah, who was travelling as a pillion rider on the motorcycle bearing Reg. No. KA-41-EE-3878, sustained injuries. Immediately after the accident, Govindaiah was shifted to the Government Hospital, Kunigal, and thereafter referred to NIMHANS, Bengaluru, and subsequently to Victoria Hospital, Bengaluru. However, during the course of treatment, he succumbed to the injuries sustained in the accident. The appellant in MFA No.6018/2021, Shabeer Ahmed, also sustained injuries in the said accident. Accordingly, the legal representatives of deceased Govindaiah alias Govindaraju filed MVC No.3179/2017 before the Tribunal, seeking compensation on account of his accidental death. The



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injured Shabeer Ahmed also filed MVC No.5687/2017 before the Tribunal, seeking compensation for the injuries sustained by him in the accident.

5. However, the claim petition filed by the legal representatives of deceased Govindaiah alias Govindaraju was allotted to the MACT, Bengaluru, SCCH-14, whereas the claim petition filed by the injured Shabeer Ahmed was allotted to the MACT and Small Causes Court, Bengaluru, SCCH-25.

6. In MVC No.3179/2017, upon appreciation of the oral and documentary evidence on record, the Tribunal dismissed the claim petition. On the other hand, the claim petition filed by the injured Shabeer Ahmed in MVC No.5687/2017 was partly allowed and compensation was awarded, as stated *supra*. Aggrieved by the judgment and award passed in MVC No.3179/2017, the claimants have preferred MFA No.2900/2020, whereas the claimant in MVC No.5687/2017 has preferred MFA No.6018/2021.

7. Heard the learned counsel for the respective parties.



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8. The contention raised by the learned counsel for the appellants in MFA No.2900/2020 is that the Tribunal has grossly erred in dismissing the claim petition on the ground that the claimants had failed to prove the accident in question as pleaded by them. According to him, the occurrence of the accident is proved before the Tribunal in MVC No.5687/2017, which was filed by the injured claimant. However, in the said proceedings, the Tribunal held that the accident had occurred due to the rash and negligent riding of the motorcycle on which the deceased was travelling. In such circumstances, the Tribunal ought not to have dismissed the claim petition filed by the claimants in MVC No.3179/2017 on the ground that the very occurrence of the accident was doubtful. Hence, he submits that the finding recorded by the Tribunal in MVC No.3179/2017 is contrary to the material available on record and is liable to be set aside. With these submissions, he prays to allow the appeal.

9. Whereas, the learned counsel for the appellant in MFA No.6018/2021 contended that the Tribunal erred in fastening the liability on the owner of the offending motorcycle



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bearing Reg. No. KA-41-EE-3878 on the ground that the appellant-injured had failed to establish that the said motorcycle was being ridden by one Yogesh Gowda. According to him, the complaint and the charge sheet clearly disclose that one Yogesh Gowda was riding the said motorcycle at the time of the accident. In such circumstances, the Tribunal was not justified in fastening the entire liability on the owner of the motorcycle. He further contended that the Tribunal was also not justified in awarding meager compensation to the appellant. With these submissions, he prays to allow the appeal.

10. *Per contra*, the learned counsel for the insurance company in both the appeals, by supporting the impugned judgment and award, contended that the Tribunal, upon meticulous consideration of the entire evidence on record, has rightly dismissed the claim petition filed by the legal representatives of deceased Govindaiah in M.V.C.No.3179/2017, as they failed to establish that the deceased was travelling as a pillion rider on the motorcycle bearing Reg.No.KA-41-EE-3878, allegedly ridden by Yogesh



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Gowda, at the time of the accident. He contended that the Tribunal has rightly recorded a finding that Yogesh Gowda was not riding the said motorcycle at the time of the accident and that, in fact, either deceased Govindaiah or one Girisha was riding the motorcycle. According to him, the subsequent introduction of Yogesh Gowda as the rider of the motorcycle was an afterthought, intended only to facilitate the claimants in securing compensation.

11. He further contended that the Tribunal was justified in fastening the liability on the owner of the motorcycle in M.V.C.No.5687/2017, as the claimant-appellant failed to establish that Yogesh Gowda was riding the motorcycle at the time of the accident and that the said version was subsequently introduced as an afterthought. Hence, the Tribunal was justified in fastening the liability on the owner of the motorcycle. He also contended that the compensation awarded to the claimant in M.V.C.No.5687/2017 under the respective heads is just and reasonable and does not warrant any interference by this Court. Accordingly, he prays for dismissal of both the appeals.



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12. I have given my anxious consideration both on the submissions of the learned counsel for the respective parties and perused the entire materials on record.

13. As could be gathered from the records, in respect of the accident that occurred on 09.03.2017 at about 7.30 p.m. due to the collision between two motor vehicles, two separate claim petitions were filed before two different Tribunals. The legal representatives of deceased Govindaiah @ Govindaraju filed MVC No.3179/2017, which was adjudicated by the MACT, SCCH-14, Bengaluru, whereas the claim petition filed by the injured Shabeer Ahmed in MVC No.5687/2017 was adjudicated by the MACT, SCCH-25, Bengaluru. In both the proceedings, the motorcycles involved in the accident were stated to be covered under insurance policies issued by respondent No.2, Iffco-Tokio General Insurance Company Limited. The Tribunal in MVC No.3179/2017 framed the following three issues for consideration, which reads as under;

"1. Whether the petitioners prove that, sri.Govindaiah @ Govindaraju died due to injuries sustained by him in an accident occurred on 09.03.2017 at about 7.30 pm., T.Hosahalli and madappanahalli Road, near Gollarahatti, Huliur



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Durga Hobli, Kunigal Taluk, Tumkur, arising due to rash and negligent riding of rider of Two wheeler bearing Reg.No.KA-41-EE-3878?

2. *Whether the petitioners are entitled for compensation? If so, how much and from whom?*

3. *What Order or Award?"*

14. The Tribunal, upon appreciation of the entire oral and documentary evidence on record, answered Issue No.1 in the 'negative', principally on the ground that the claimants had failed to establish that the motorcycle on which the deceased was allegedly travelling as a pillion rider was being ridden by one Yogesh Gowda. Consequently, the Tribunal held that the very occurrence of the accident, as pleaded by the claimants, was doubtful.

15. Whereas, in MVC No.5687/2017, the Tribunal framed the three issues for consideration, out of which Issue No.1 reads as under:

"1. Whether the Petitioner proves that, he has sustained injuries on account of road traffic accident took place near Gollarahatti on Huliurdurga Kunigal road, due to rash and negligent riding of the rider of motor cycle bearing Reg.No.KA-41-EE-3878 dt: 09.03.2017 at about 07.30 p.m., as alleged in the petition?"



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16. In the said proceedings, upon appreciation of the evidence on record, the Tribunal held that the accident occurred on 09.03.2017 at about 7.30 p.m. due to the collision between two motorcycles, namely, motorcycle bearing Reg.No.KA-41-EE-3878 and motorcycle bearing Reg.No.KA-05-EU-6536. Accordingly, Issue No.1 in MVC No.5687/2017 was answered in the 'affirmative' and the claim petition was partly allowed by awarding compensation. However, while considering the liability, the Tribunal held that the claimants had failed to establish that Yogesh Gowda was the rider of the motorcycle bearing Reg.No.KA-41-EE-3878 at the time of the accident and that the said fact was not proved before the Tribunal. Thus, it is evident that both the Tribunals have recorded contradictory findings in respect of the very same accident dated 09.03.2017. It is also relevant to note that neither the learned counsel for the claimants nor the learned counsel appearing for the Insurance Company brought to the notice of either Tribunal about the pendency of two separate claim petitions arising out of the same accident. Consequently, both the Tribunals proceeded to try the respective claim petitions independently



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and rendered different judgments containing contradictory findings with regard to the occurrence of the very same accident and the manner in which it occurred. In such circumstances, I am of the considered view that both the claim petitions arising out of the same accident ought to have been tried by one Tribunal by clubbing them together and considering the evidence on record in its entirety. Since the two Tribunals have recorded inconsistent findings on material aspects arising out of the same accident, the matters require reconsideration by the Tribunal afresh by clubbing both the claim petitions together, considering the evidence already available on record and affording an opportunity to the parties to lead further evidence, if any, and to produce and mark additional documents, if any. Accordingly, without expressing any opinion on the merits of the rival contentions, I proceed to pass the following:

ORDER

- i) Both the appeals are ***allowed*** and remanded.



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ii) The judgment and award dated 13.08.2019 passed in MVC No.3179/2017 by the XVI Addl. Judge and MACT, Court of Small Causes, Bengaluru, SCCH-14 and the judgment and award dated 05.11.2019 passed in MVC No.5687/2017 by the C/c XXIII Addl. Small Causes Judge and XI ACMM, are set aside.

iii) Both the cases are remitted back to the Tribunal with a direction to the learned Principal District and Sessions Judge, Bengaluru City, to assign both the claim petitions to the same Motor Accident Claims Tribunal for being tried and disposed of together.

iv) Parties shall appear before the Tribunal on **21.09.2026** without any further notice.

v) All the contentions are left open.

vi) The parties are at liberty to lead any further evidence apart from the evidence available on records and to produce the documents.



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vii) The Tribunal is at liberty to frame additional issues, if any, to adjudicate the claim petitions.

viii) Tribunal is directed to dispose of the matters expeditiously.

ix) Registry is directed to send back the trial Court records.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 SI No.: 1