



CNR: KAHC010065212020

NC: 2026:KHC:41597
MFA No. 3152 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3152 OF 2020(MV-D)

BETWEEN:

1. SMT NAGAMMA
W/O LATE MUNIPAPANNA
AGED ABOUT 45 YEARS
2. B M BHARATHI
D/O LATE MUNIPAPANNA
AGED ABOUT 23 YEARS
3. PREMA
D/O LATE MUNIPAPANNA
W/O LATE MANJUNATH
AGED ABOUT 25 YEARS
ALL ARE R/A NO.P-4 NO.1232
DINNEHOSAHALLI KOLAR TQ & DIST

PRESENTLY AT BANAMAKANAHALLI VILLAGE
THAVAREKERE POST, HOSKOTE TALUK
BANGALORE RURAL DISTRICT
(SINCE PETR. 2 HAS EXPIRED ON 17.04.2019
HE IS NOT A PARTY TO THE ABOVE PROCEEDING)

...APPELLANTS

(BY SMT. KALPANA P.V, ADVOCATE)

AND:

1. THE BRANCH MANAGER
IFFCO-TOKIO GEN. INS.CO. LTD.,
SHANTHI TOWERS

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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NO.141, 5TH FLOOR
EAST TO NGEF LAYOUT
KASTURINAGAR
BANGALORE-560 043

2. MUNIYAPPA
S/O CHIKKAPILLAPPA
MAJOR
R/A BANAMAKANAHALLI
THAVAREGERE POST,
HOSAKOTE TQ
BANGALORE RURAL DIST

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R1,
VIDE ORDER DATED 03/06/2022, NOTICE TO R2 HELD
SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 24.10.2019 PASSED IN MVC
NO.2586/2017 ON THE FILE OF THE XI ADDITIONAL SMALL
CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES,
BENGALURU SCCH-23, DISMISSING THE CLAIM PETITION FOR
COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

This appeal is directed against the judgment and award
dated 24.10.2019 passed in MVC No.2586/2017 by the Court of
XXI and XI Addl. Small Causes and Addl. MACT., Bangalore,
(SCCH-23) (for short, the Tribunal), whereby the Tribunal
dismissed the claim petition filed by the claimants-appellants.



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2. The brief facts of the case are that, on 06.04.2017 at about 7:30 p.m., Munipapanna (deceased) in this case was travelling as a pillion rider on a motorcycle bearing registration No.KA-53-8J-8430, ridden by one Manjunath, near Banamakanahalli Gate, in front of SRS Hotel, Service Road, Nandagudi Hobli, Hosakote Taluk, Bengaluru. When they reached the said place, the rider rode the motorcycle in a rash and negligent manner and lost control over it, as a result of which the motorcycle toppled on the left side of the road. Consequently, the deceased fell down and sustained grievous head injuries. He was immediately shifted to MVJ Medical College and Research Hospital, Hosakote, where he was provided first aid and thereafter shifted to NIMHANS Hospital, Bengaluru, for higher treatment. Despite undergoing inpatient treatment, he succumbed to the injuries on 14.04.2017. Hence, the legal representatives of the deceased-Munipapanna filed a claim petition before the Tribunal seeking compensation on account of his death.

3. The Tribunal, upon assessment of oral and documentary evidence, dismissed the claim petition filed by the



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claimants. The said judgment is challenged in this appeal by the claimants.

4. Heard learned counsel for the respective parties.

5. Apart from urging several contentions, learned counsel for the appellants-claimants contended that the Tribunal has grossly erred while dismissing the claim petition primarily placing reliance on Ex.P21-MLC register extract, Ex.R2-trauma case register record and Ex.R3-case file of NIMHANS Hospital, Bangalore, wherein it reveals that Ex.P21-MLC register was overwritten on the history of accident that "the patient was pillion riding the motorcycle" by inserting the word "pillion". It was further contended that, nine days after the accident, one B.T. Ramesh, a relative of the deceased, lodged a complaint before Nandagudi Police Station stating that the deceased was travelling as a pillion rider and that the accident had occurred solely due to the rash and negligent riding of the motorcycle by one Manjunath. Based on the said complaint, the Police registered FIR in Crime No.89/2017 against the rider of the motorcycle and, after conducting a detailed investigation, laid the charge sheet against him.



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Therefore, it was contended that the occurrence of the accident and the fact that the deceased was travelling as a pillion rider stood established before the Tribunal. Despite the same, the Tribunal, placing reliance on Ex.P21, Ex.R2 and Ex.R3, erroneously dismissed the claim petition. She further contended that the delay in lodging the complaint was satisfactorily explained, as the deceased was undergoing treatment at NIMHANS Hospital and, therefore, the same could not have been treated as a circumstance against the claimants. According to her, these material aspects have not been properly appreciated by the Tribunal. Accordingly, she prays to allow the appeal by awarding just and reasonable compensation.

6. *Per contra*, learned counsel for the Insurance Company, supporting the impugned judgment, contended that the Tribunal, upon meticulous consideration of the entire material on record, has rightly dismissed the claim petition. According to him, the complaint was lodged after a delay of nine days from the date of the accident. It was further contended that Ex.P21-MLC Register Extract clearly discloses



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insertion of the word "pillion". The initial history furnished before the hospital was that the deceased himself was riding the motorcycle and had sustained injuries due to a self-fall. However, no such insertion is found in Ex.R2-Trauma Case Register or Ex.R3-Case File maintained by NIMHANS Hospital, which clearly indicates that the deceased sustained injuries due to a self-fall. It was further contended that the subsequent assertion of the claimants that Manjunath was riding the motorcycle at the time of the accident is false and wholly unbelievable, particularly when Manjunath did not sustain any injuries and did not accompany or shift the injured to the hospital. In such circumstances, learned counsel contended that the Tribunal was justified in dismissing the claim petition. Accordingly, he prays to dismiss the appeal.

7. I have given my anxious consideration to the submissions made by learned counsel for the respective parties and perused the impugned judgment so also the other documents made available before this court.

8. As could be gathered from records, though the fact that the deceased sustained injuries in a road traffic accident is



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not in dispute, the material on record discloses that immediately after the accident, he was shifted to MVJ Medical College and Research Hospital, Hosakote. In the history of the accident recorded therein, it is stated that "the patient was riding a 2-wheeler, self-fall at 7:30 p.m. at Tavarekere." On careful scrutiny of the said history, it is noticed that the word "pillion" has subsequently been inserted. Thereafter, the deceased was shifted to NIMHANS Hospital, Bengaluru, for further treatment, wherein, as per Ex.R2-Trauma Case Register, the history of injury is recorded as "self-fall from bike". Similarly, Ex.R3-Case Sheet of NIMHANS also records the history of injury as "self-fall from bike".

9. Thus, on careful consideration of Ex.P21, Ex.R2 and Ex.R3, the history of the accident/injury recorded in these documents is found to be materially contradictory. Significantly, no explanation is forthcoming either in the claim petition or in the evidence of the claimants before the Tribunal with regard to such contradiction. Further, the complaint came to be lodged by one B.T. Ramesh, stated to be a relative of the deceased, before the Nandagudi Police Station after a delay of nine days



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from the date of the accident. Though it is stated that he was attending to the deceased and, therefore, could not lodge the complaint immediately, the said explanation does not satisfactorily account for the material discrepancy in the medical records.

10. It is well known that, in cases of road traffic accidents, upon admission of an injured person, the hospital ordinarily communicates the Medico-Legal Case to the jurisdictional Police. In the present case, since the initial history of accident recorded in Ex.P21 was that of a self-fall, the hospital authorities apparently did not forward the MLC to the Police. It is also significant to note that the alleged rider of the motorcycle, namely, Manjunath, was not examined before the Tribunal. Further, he admittedly did not sustain any injuries in the accident and did not accompany or shift the deceased to the hospital immediately after the occurrence of the accident.

11. In the backdrop of these circumstances, a serious doubt arises as to whether the subsequent version that Manjunath was riding the motorcycle and the deceased was travelling as a pillion rider was introduced only with a view to



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sustaining the claim for compensation. Consequently, FIR came to be registered after a delay of nine days from the date accident on the basis of the subsequent complaint and also laid charge sheet, cannot, by themselves, be given undue evidentiary weight, particularly when the contemporaneous medical records contain a different version regarding the manner of occurrence of accident. This material aspect has been rightly appreciated and dealt with by the Tribunal. On an independent re-appreciation of the entire material on record, I find no perversity or infirmity in the reasoning assigned by the Tribunal warranting interference with the impugned judgment. Hence, the appeal, being devoid of merit, stands ***dismissed.***

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 6