



CNR: KAHC010106532020

NC: 2026:KHC:44482
MFA No. 3749 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3749 OF 2020(MV-I)

BETWEEN:

M.D. JAYANNA REDDY
S/O R.L DONAPPA REDDY
AGED ABOUT 60 YEARS,
AGRICULTURIST
R/O MALLAPURA VILLAGE
CHIKKAMALLANAHOLE POST
JAGALUR TALUK
DAVANAGERE DISTRICT-577 001

...APPELLANT

(BY SRI. SPOORTHY HEGDE N, ADVOCATE)

AND:

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

1. TALIB ALI KHAN
S/O ABDUL MAJID KHAN
AGED ABOUT 27 YEARS,
OWNER OF AUTO RICKSHAW BEARING
REG NO.KA-16/A-5547
R/O HIMMATHNAGAR, 1STCROSS,
BEHIND SBI BANK, JCR EXTENSION,
CHITRADURGA-577 501
2. RELIANCE GENERAL INSURANCE CO.LTD.,
REP BY ITS BRANCH MANAGER,
BRANCH OFFICE NO.1 & 2, 1ST FLOOR
MAGANUR COMMERCIAL COMPLEX
NEAR BY KSRTC BUS STAND B D ROAD



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CHITRADURGA-577 501

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2,
R1 - SERVED, UNREPRESENTED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.05.12.2019 PASSED IN MVC NO.577/2018 ON THE FILE OF THE 1ST ADDITIONAL SENIOR CIVIL JUDGE, JMFC, MACT-IV, CHITRADURGA, DISMISSING THE CLAIM PETITION FOR COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, 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 dated 05.12.2019 passed in MVC No.577/2018 by the Court of I Addl. Senior Civil Judge and Addl. MACT No.IV at Chitradurga (for short, 'the Tribunal'), whereby the Tribunal dismissed the claim petition filed by the claimant under Section 166 of the Motor Vehicles Act.

2. The brief facts of the case are, on 11.10.2017 at about 10:30 a.m., the claimant was proceeding in Activa Honda scooter bearing registration No.KA-16/EF-1023 from Mallapura to Medehalli Road. When he reached near Ravi Mayur Hotel, Gopalpura Cross, NH-4 service road, the driver of Auto



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Rickshaw bearing registration No.KA-16/A-5547 came from opposite direction by driving the same in a rash and negligent manner and dashed the claimant's scooter. As a result, the claimant fell down and sustained injuries all over his body and he was shifted to Chitradurga Govt. Hospital. In the said Hospital, he had taken first aid and then he was shifted to Basaveshwara Medical Hospital, Chitradurga, where he took first aid and then shifted to Kasturaba Hospital, Manipal for higher treatment, where he undergone surgery to his right hand. Later, he filed claim petition before the Tribunal claiming compensation for his accidental injuries.

3. In order to prove the claim before the Tribunal, the claimant examined himself as PW.1 and examined the Doctor as PW.2 so also marked 13 documents as Exs.P1 to P13. The Insurance Company also examined its two officers as RWs.1 and 2 and marked 2 documents as Exs.R1 and R2.

4. The Tribunal, upon oral and documentary evidence, dismissed the claim petition filed by the claimant. The said judgment is challenged in this appeal by the claimant.



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5. Heard learned counsel for the respective parties.

6. Apart from urging several contentions, learned counsel for the appellant-claimant primarily contended that the Tribunal has grossly erred while dismissing the claim petition solely relying on the evidence of RW.1 and Ex.R2 i.e., case sheet of Basaveshwara Medical Hospital. According to him, the Tribunal while relying on Ex.R2 has observed that there is a strike out in the history of accident i.e., "self fall". However, on the next day he was admitted to Kasturaba Hospital, Manipal and discharge summary of the said Hospital at Ex.P13 reveals that 'patient had alleged history of RTA (scooter vs Auto) at 10 a.m. on 11.10.2017. The Tribunal has failed to consider Ex.P13 and charge sheet filed by the Police against the driver of the Auto Rickshaw. In such circumstances, he submits that the impugned judgment is liable to be set-aside by granting compensation to the claimant. He also contended that the IMV report produced at Exs.P4 and P5 depict that both the vehicles were damaged due to the accident. Accordingly, he prays to allow the appeal by granting compensation.



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7. *Per contra*, learned counsel for the Insurance Company by supporting the impugned judgment contended that the Tribunal is justified in dismissing the claim petition. According to him, Ex.P2-complaint was lodged on 15.11.2018 i.e., after lapse of one month from the date of accident. Though the claimant was discharged from Kasturaba Hospital, Manipal, after one week from the date of accident, he failed to lodge the complaint before the jurisdictional Police thereafter for a period of one month. By placing reliance on Ex.R2 he submits that there is a strike out of word "self fall". In such circumstance, it is clear that the history of accident in discharge summary at Ex.P13 is nothing but an afterthought and the Auto Rickshaw implicated in the accident subsequently, to file frivolous claim for unlawful gain. Accordingly, he prays to dismiss the appeal.

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

9. As could be gathered from records, the accident was occurred on 11.10.2017 at about 10:30 a.m. at Gopalpura



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road and immediately after the accident, the claimant was taken to Basaveshwara Medical Hospital, Chitradurga, for treatment. The case sheet of Basaveshwara Medical Hospital at Ex.R2 reveals that the history of accident is "self fall at 10:00 a.m. today (11.10.2017) at Gopalpura Cross, NH-4 service road". Thereafter, on the next day, the claimant was shifted to Kasturaba Hospital, Manipal, however, the claimant has not produced the admission register of the said Hospital. In the cross examination of PW.1, he has categorically admitted that after 5 days from the date of accident, he discharged from the Kasturaba Hospital and he came to Chitradurga. The discharge summary of Kasturaba Hospital, Manipal at Ex.P13 reveals that the claimant was discharged on 17.10.2017 and the history of accident stated in the discharge summary is "RTA (scooter vs Auto) at 10 a.m. on 11.10.2017". However, even after obtaining the discharge summary, the claimant did not lodge any complaint before the Police. Finally, on 15.11.2017, he lodged a complaint and the jurisdictional Police registered the case against the driver of the Auto Rickshaw and subsequently laid charge sheet against him.



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10. The IMV report of the vehicle at Ex.P4 is dated 07.12.2017 that was issued after nearly two months from the date of accident. The wound certificate at Ex.P6 was issued on 23.11.2017 i.e., after one and half month from the date of accident. If really the accident had caused as claimed by the claimant, there was no impediment for him to lodge a complaint at least after his discharge from Kasturaba Hospital, Manipal. Ex.R2 clearly reveals that there is strike out of word "self fall" and no proper explanation is forthcoming by the claimant in his evidence about that aspect of the matter. In such circumstance, it could be presumed that involvement of Auto Rickshaw in the alleged accident is nothing but an afterthought of the claimant and this aspect of the matter is rightly dealt in detail by the Tribunal. Hence, I find no good ground to interfere in the impugned judgment passed by the Tribunal. Accordingly, the appeal lacks merit and the same is ***dismissed.***

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

HKV
List No.: 1 Sl No.: 20