



CNR: KAHC010137092020

NC: 2026:KHC:46530
MFA No. 2515 of 2020
C/W MFA.CROB No. 13 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2515 OF 2020 (MV-I)

C/W

MFA CROSS OBJECTION NO. 13 OF 2022 (MV-I)

IN MFA No. 2515/2020

BETWEEN:

NATIONAL INSURANCE COMPANY
THE DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
1ST FLOOR, JAGALUR MAHALINGAPPA TOWERS,
DVG ROAD, CHITRADURGA

REP BY REGIONAL OFFICE,
NO. 144, SHUBHARAM COMPLEX,
MG ROAD, BENGALURU -560 001,
REP BY ITS AUTHORIZED SIGNATORY

...APPELLANT

(BY SRI. A.M.VENKATESH, ADVOCATE)

AND:

1. RAJAPPA
S/O. DASAPPA,
R/O. THALA KATTE VILLAGE,
HOLALKERE TALUK,
CHITRADURGA DISTRICT.

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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2. SMT. GEETHA
W/O. S RAMESH,
MAJOR,
R/O. HOSADURGA ROAD,
MALLAPPANAHALLY AT POST,
HOSADURGA TALUK,
(RC OWNER OF TRACTOR TRAILER BEARING
NO.KA 16/TA 9609-9610)

...RESPONDENTS

(BY SRI. T.C.SHIVAKUMARAPPA, ADVOCATE FOR R1;
SRI. H. SHIVAPPA, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 11.10.2019 PASSED IN MVC
NO.122/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, HOLALKERE.

IN MFA.CROB NO. 13/2022

BETWEEN:

RAJAPPA
S/O. DASAPPA
AGED ABOUT 37 YEARS
AGRICULTURIST
R/O THALAKATTE
HOLALKERE TALUK - 577 526
CHITRADURGA DISTRICT

..CROSS OBJECTOR

(BY SRI. SHIVAKUMARAPPA T.C, ADVOCATE)

AND:

1. SMT.GEETHA



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W/O. S RAMESH,
MAJOR,
R/O. MALLAPPANAHALLY AT POST,
HOSADURGA TALUK,
CHITRADURGA DISTRICT
R.C OWNER OF TRACTOR -TRALOR
BEARING NO. KA 16/TA-9609/9610

2. THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO.LTD.
1ST FLOOR
JAGALURU MAHALINGAPPA TOWERS
D V G ROAD
CHITRADURGA
NOW REP BY ITS REGIONAL OFFICE NO.144
SUBHARAM COMPLEX
M G ROAD
BANGALORE-56001
REP BY ITS AUTHORIZED SIGNATORY
...RESPONDENTS

(BY SRI. H.SHIVAPPA, ADVOCATE FOR R1;

SRI.A.M.VENKATESH, ADVOCATE FOR R2)

THIS MFA. CROB IS FILED UNDER ORDER XLI RULE 22
OF THE CPC READ WITH SECTION 173(1) OF MOTOR
VEHICLE ACT, AGAINST THE JUDGMENT AND AWARD
DATED 11.10.2019 PASSED IN MVC NO.122/2018 ON THE
FILE OF THE SENIOR CIVIL JUDGE AND MACT, JMFC,
HOLALKERE.

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 arising out of the judgment and award dated 11.10.2019 passed in MVC No.122/2018 by the Senior Civil Judge and MACT, at Holalkere (hereinafter referred to as 'the Tribunal'), whereby, the Tribunal partly allowed the claim petition filed by the claimant Rajappa and awarded a compensation of Rs.1,57,220/- with 6% interest.

2. The brief facts necessary for the disposal of these appeals are that, on 08.07.2017 at about 7:00 p.m., the injured claimant, namely Rajappa, was proceeding on a motorcycle bearing Reg.No. KA-16/ED-7456, along with a pillion rider, namely Mylarappa, from his village Talakatta towards T. Vaderahally Village. When they reached the road between Talakatta and T. Vaderahally Village, the driver of the tractor and trailer bearing Reg.Nos. KA-16/TA-9609 -9610, drove the same in a rash and negligent manner and dashed against the motorcycle on which the claimant was proceeding. Due to the impact, the claimant sustained injuries all over his body. Thereafter, on 11.07.2017, i.e., three days after the accident,



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the pillion rider, namely Mylarappa, lodged a complaint before the Holalkere Police Station, as per Ex.P2. On the basis of the said complaint, an FIR came to be registered as per Ex.P1 against the driver of the tractor and trailer. Subsequently, after investigation, the police laid a charge sheet against the driver of the tractor and trailer. Hence, the claimant-Rajappa filed a claim petition before the Tribunal seeking compensation for the injuries sustained by him in the motor vehicle accident.

3. In order to substantiate his claim, the claimant examined himself as PW1 and also examined the Doctor who had treated him as PW2. The claimant produced and marked 20 documents as Exs.P1 to P20 in support of his case. On the other hand, the Insurance Company examined its authorised officer as RW1 and the Doctor who had registered the MLC as RW2. The Insurance Company also produced and marked three documents as Exs.R1 to R3 in support of its defence.

4. Upon assessment of oral and documentary evidence, the Tribunal partly allowed the claim petition as stated *supra*. The said judgment is challenged by both the Insurance Company as



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well as the claimant. The insurance company filed MFA No.2515/2020 disputing the quantum and liability, whereas the claimant filed MFA Crob.No.13/2022 seeking enhancement.

5. Heard the learned counsel for the respective parties.

6. Apart from urging several other contentions, the learned counsel appearing for the Insurance Company primarily contended that the Tribunal grossly erred in allowing the claim petition without properly appreciating the oral and documentary evidence on record. According to the learned counsel, the claim petition is fraudulent and has been filed by the claimant with an intention to unlawfully secure compensation. He contended that, immediately after the accident, the injured Rajappa was taken to the Primary Health Centre, Holalkere, where the history of the injury was recorded in the MLC register as "self-fall from motorcycle." He further submitted that the case sheet of the said hospital, produced at Ex.R3, also records the history of the accident as a self-fall from the motorcycle. It is further contended that the Doctor who registered the MLC, examined before the Tribunal as RW2, categorically deposed that the injured Rajappa himself had informed him that he had



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sustained injuries due to a fall from the motorcycle. RW2 also identified the documents marked as Exs.R2 and R3. The learned counsel for the Insurance Company therefore contended that, notwithstanding the aforesaid evidence, the Tribunal, without properly appreciating the testimony of RW2 and the contents of Exs.R2 and R3, erroneously proceeded to allow the claim petition. It was further contended that there was an inordinate delay of three days in lodging the complaint. According to the learned counsel, the claimant subsequently fabricated and manipulated the version of the accident by introducing the involvement of the tractor and trailer and, after a delay of three days, lodged the complaint before the Police in collusion with the owner of the offending tractor and the Police authorities. On these grounds, the learned counsel appearing for the Insurance Company sought to set aside the impugned judgment and award passed by the Tribunal and allow the appeal preferred by the Insurance Company.

7. *Per contra*, the learned counsel appearing for the claimant in MFA Crob.No.13/2022 contended that the Tribunal, upon meticulous appreciation of the oral and documentary



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evidence on record, has rightly held that the accident occurred due to the collision between the motorcycle and the tractor and trailer, on account of the rash and negligent driving of the driver of the tractor and trailer. Placing reliance upon Ex.P2, the complaint, and Ex.P1, the FIR, learned counsel fairly admitted that the complaint was lodged by the pillion rider, namely Mylarappa, three days after the date of the accident. However, he contended that, pursuant to the said complaint, the jurisdictional Police registered the FIR and, after conducting a thorough investigation, laid a charge sheet against the driver of the tractor and trailer. According to the learned counsel, the charge sheet laid by the Police was not seriously challenged by the Insurance Company before the Tribunal. In the absence of any cogent evidence to disbelieve the Police investigation and the charge sheet, the Tribunal was justified in holding that the accident occurred due to the rash and negligent driving of the driver of the tractor and trailer. However, learned counsel contended that the Tribunal has erred in awarding meager compensation and has failed to properly appreciate the evidence on record while assessing the quantum of



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compensation. Accordingly, he sought for enhancement of the compensation. Accordingly, he prays to dismiss the appeal filed by the Insurance Company by allowing the cross objection

8. I have given my anxious consideration both the on the submission and perused the entire materials and documents placed before the Court.

9. As could be gathered from the records, the fact that the claimant-Rajappa sustained injuries in the motor vehicle accident is not in dispute. According to the claimant, on 08.07.2017, he was proceeding on his motorcycle along with the pillion rider, namely, Mylarappa, and when they reached T. Vaderahally Cross, the accident occurred due to the rash and negligent driving of the driver of the tractor and trailer. Immediately after the accident, the claimant was shifted to the Primary Health Centre, Holalkere, for treatment. The MLC and case sheet maintained by the said Primary Health Centre were produced by the Insurance Company before the Tribunal and marked as Exs.R.2 and R.3, respectively. On careful perusal of



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Ex.R.2, the case sheet, the history of the accident furnished by the injured himself reads as under:

"H/o self fall on 08.08.2017

At around 5.30 pm in between Talkatta ad Vaderahally while he was going in bike, buffalo came across and met with an accident".

10. Thereafter, the pillion rider of the motorcycle, namely, Mylarappa, who subsequently lodged the complaint, was also admitted to the same hospital at about 9.30 p.m. He too furnished the same history of the accident as stated by the claimant-Rajappa. Moreover, Ex.R.3, the case sheet, records the history of the accident as "self-fall". The author of Exs.R.2 and R.3 was examined before the Tribunal as R.W.2, Dr. Manjunatha B., S/o. Bhemmanaik. On careful consideration of his testimony, it is evident that he has categorically stated that, on 08.08.2017 at about 9.30 p.m., while he was on duty in the Emergency Ward, the claimant-Rajappa and the pillion rider-Myalarappa came to the hospital with a history that they had fallen from the motorcycle at about 5.30 p.m. on 08.08.2017. R.W.2 further deposed that, when he advised them to register the case as an MLC, they requested him not to do so, stating



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that the accident had occurred due to a self-fall. Though R.W.2 was subjected to cross-examination by the claimant, nothing worthwhile was elicited to discredit his testimony.

11. No doubt, the complaint was lodged three days after the date of the accident and, significantly, it was lodged by the pillion rider, Mylarappa. However, the said complainant was not examined before the Tribunal by the claimant to substantiate the contents of the complaint marked as Ex.P.2. Further, the delay in lodging the complaint has not been satisfactorily explained either by the claimant or by the complainant. The explanation offered is that, after obtaining first-aid treatment, they approached the Police after three days. However, the medical records disclose that, after receiving first-aid treatment, they were discharged from the hospital and, despite the same, no complaint was lodged immediately thereafter.

12. It is also significant to note that neither the owner nor the driver of the tractor and trailer was examined before the Tribunal to establish the manner in which the accident occurred or to corroborate the claimant's version regarding the involvement of the tractor and trailer. The Tribunal, while



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allowing the claim petition, principally relied upon the evidence of P.W.1-Rajappa and proceeded on the premise that the claimant was not conscious immediately after the accident and, therefore, could not have narrated the actual history of the accident before the hospital authorities. In my considered view, the said finding of the Tribunal is contrary to the evidence on record. R.W.2, the Doctor who examined the claimant, has categorically stated that the claimant-Rajappa was conscious and that he himself furnished the history of the accident.

13. The Tribunal has failed to properly appreciate the evidence of R.W.2 as well as the contemporaneous medical records at Exs.R.2 and R.3. The said documents were prepared in the ordinary course of medical treatment, immediately after the occurrence, and their contents receive corroboration from the testimony of R.W.2, who was the Doctor on duty and had personally attended to the claimant and the pillion rider.

14. On an overall consideration of the oral and documentary evidence available on record, I am of the considered view that the claimant has failed to establish that the accident occurred due to the rash and negligent driving of the driver of the tractor



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and trailer. On the contrary, the contemporaneous medical records and the evidence of R.W.2 establish that the claimant and the pillion rider had initially disclosed that they had sustained injuries due to a self-fall from the motorcycle, occasioned by a buffalo coming in their way. The subsequent introduction of the involvement of the tractor and trailer, coupled with the unexplained delay in lodging the complaint and the non-examination of the complainant, owner or driver of the tractor and trailer, creates a serious doubt regarding the version set up in the claim petition.

15. In these circumstances, the finding of the Tribunal that the accident occurred due to the rash and negligent driving of the driver of the tractor and trailer cannot be sustained. The claimant has failed to establish the involvement of the insured tractor and trailer in the accident and, consequently, has failed to establish the foundational fact necessary for fastening liability upon the Insurance Company. It is well settled that fraud vitiates everything and that a claim founded upon a false or fabricated version of the accident cannot be permitted to result in an award of compensation. A claim petition filed with a



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view to securing compensation on the basis of a false case cannot be sustained merely because the claimant has suffered injuries. Accordingly, the finding of the Tribunal on the issue of negligence and involvement of the insured vehicle is liable to be set aside.

16. In that view of the matter, I am of the considered view that the Tribunal is erred in allowing the claim petition. Hence the impugned judgment is liable to be interfered by this Court. Hence, I pass the following:

ORDER

The appeal filed by the Insurance Company in MFA No.2515/2020 is **allowed**.

The impugned judgment and award dated 11.10.2019 passed in MVC No.122/2018 by the Senior Civil Judge and MACT, at Holalkere is set aside.

Consequently, cross-objection filed by the claimant, MFA Crob. No.13/2022 is **dismissed**.



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The amount deposited by the Insurance Company
shall be refunded to the Insurance Company by
RTGS.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 2