



CNR: KAHC010229462020

NC: 2026:KHC:45570
MFA No. 1704 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1704 OF 2021 (MV-I)

BETWEEN:

SRI. JAGADEESH V.,
S/O. LATE VEERABHADRAIAH G.,
AGED 49 YEARS,
R/AT: MANGALA NILAYA,
AVR ROAD, MAHARAJAKATTE,
TEHCERS COLONY,
NEAR RENUKA YALLAMMA TEMPLE,
KANAKAPURA TOWN AND TALUK
RAMANAGARA DISTRICT-562 117.

...APPELLANT

(BY MRS. NITHYA ABHILASH, ADVOCATE FOR
SRI. PRAKASH M H.,ADVOCATE)

AND:

1. ICICI LOMBARD GEN.INS.CO.LTD.,
NO.121, THE ESTATE BUILDING,
9TH FLOOR, DICKSON ROAD,
BANGALORE-560 001
REP BY ITS MANAGER.
2. SMT. NETHRAVATHI
W/O THAMMANNA,
MAJOR,
R/AT: MAHARAJAKATTE,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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KANAKAPURA TALUK,
RAMANAGARA DIST-562 117.

...RESPONDENTS

(BY SRI. B.C.SHIVANNE GOWDA, ADVOCATE FOR R-1;
SRI.B.S.LINGARAJU, ADVOCATE FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 03.02.2020, PASSED IN MVC
NO.3455/2018, ON THE FILE OF THE XXIV ADDITIONAL SMALL
CAUSES JUDGE AND MACT, AND ACMM., (SCCH-26),
BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

The claimant has preferred this appeal against the
judgment and award dated 03.02.2020 passed in
M.V.C.No.3455/2018 by the XXIV Additional Small Causes
Judge and the MACT and A.M.M.M.(SCCH-26), Bengaluru
(hereinafter referred to as 'the Tribunal'), whereby the Tribunal
dismissed the claim petition filed by the appellant-claimant
under Section 166 of the MV Act.



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2. The brief facts which are necessary for disposal of this appeal are that, on 11.04.2018 at about 07.15 p.m., the appellant-claimant while walking on the left side of the road at Maharajakatte towards Kanakapura town, at that time the driver of the vehicle Activa motorcycle bearing Reg.No.KA-05-JQ-9062, rode the same in a rash and negligent manner and dashed to the appellant-claimant. As a result, the claimant sustained grievous injuries all over his body. Immediately, he was shifted to Kanaka Clinic, Kanakapura, from there to KIMS Hospital, Bengaluru for higher treatment. Later he filed a claim petition before the Tribunal, claiming compensation for the accidental injuries he has sustained.

3. To prove the claim petition, before the Tribunal the claimant himself examined as PW1 and also examined another witness as PW2 and produced and marked 22 documents as Exs.P1 to P22. However, the Insurance Company also examined one of its officer as RW1 and produced one document Ex.R1.



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

5. Heard the learned counsel for the respective parties.

6. Apart from urging several contentions the learned counsel for the appellant-claimant contended that the Tribunal grossly erred while rejecting the claim petition despite claimant placing sufficient evidence to prove the claim. According to her, the Tribunal, while dismissing claim petition primarily relied on Ex.R1 i.e., copy of the MLC, wherein the vehicle number was initially stated by the brother of the appellant as KA-03-6745 instead KA-05-JQ-9062. However, immediately after half an hour the brother of the appellant gave the correct number as KA-05-JQ-9062 which is forthcoming in the MLC. According to her, the said aspect was proved by the evidence of PW2 - the Doctor. She further contented that, immediately on the next day of the accident, FIR was registered against the rider of the motorcycle bearing Reg.No.KA-05-JQ-9062 and subsequently the jurisdictional Police conducted investigation and laid charge



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sheet against him. In such circumstances, the accident in question and involvement of the motorbike bearing Reg.No.KA-05-JQ-9062 is proved beyond reasonable doubt. Despite the said fact, the Tribunal, rejected the claim petition. Accordingly, she prays to set aside the judgment and to allow the claim petition.

7. Alternatively she contended that since the Tribunal dismissed the claim petition solely relying on the aspect that the subsequent insertion of the vehicle number i.e., KA-05-JQ-9062 in the MLC is not proved, in such circumstances, an opportunity could be extended to the claimant to lead evidence of the complainant. As such she prays to remit the matter to the Tribunal for a fresh consideration.

8. *Per contra*, the counsel for the Insurance Company, supporting the impugned judgment, contended that the Tribunal was justified in rejecting the claim petition after a meticulous examination of the entire evidence and documents placed on record. According to him, immediately after the accident, the injured was shifted to Kanaka Hospital, where the MLC recorded the vehicle involved in the accident as a



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motorbike bearing Reg.No.KA-03-6745. Subsequently, the said vehicle number was struck off and a new registration number, namely, KA-05-JQ-9062, was inserted. No explanation whatsoever was offered by PW.1 in his evidence for the deletion of the earlier vehicle number and insertion of the subsequent number. It was further contended that the information regarding the vehicle was furnished by the complainant, who is the brother of the injured, but he was not examined as a witness. The subsequent alteration of the vehicle number, in the absence of any satisfactory explanation, clearly creates a serious doubt regarding the involvement of the insured vehicle. Accordingly, learned counsel submitted that the Tribunal was justified in dismissing the claim petition. With these submissions he prays to dismiss the appeal.

9. I have given my anxious consideration both on the submissions and perused the entire materials available on record.

10. As could be gathered from the records, the fact that the claimant sustained injuries in a road traffic accident that occurred on 11.04.2018 at about 7.15 p.m. near Maharajakatte



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Road, Kanakapura Town, is not in dispute. Immediately after the accident, the injured was shifted to Kanaka Hospital, where the MLC recorded that the claimant had sustained injuries in a road traffic accident involving a motorcycle bearing Reg.No. KA-03-6745. The said information was furnished by the injured's brother, Rudresh. Thereafter, on the following day, Rudresh lodged a complaint before the jurisdictional Police, which came to be registered in Crime No.26/2018 against the rider of the motorcycle bearing Reg.No. KA-05-JQ-9062. Significantly, the vehicle number mentioned in the MLC was also subsequently altered by striking off the initial number and inserting Reg.No. KA-05-JQ-9062. The jurisdictional Police, after investigation, laid a charge sheet against the rider of the motorcycle bearing Reg.No. KA-05-JQ-9062. However, the Tribunal, on appreciation of the evidence on record, primarily proceeded on the premise that, in the absence of proper and acceptable evidence explaining the involvement of the motorcycle bearing Reg.No. KA-05-JQ-9062 and the subsequent alteration of the vehicle number in the MLC, the claim petition was frivolous. In my considered view, such a



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conclusion cannot be sustained at this stage. On careful scrutiny of the entire evidence on record, it is undisputed that the claimant sustained injuries in the accident. Further, the fact that the jurisdictional Police conducted an investigation and laid a charge sheet against the rider of the motorcycle bearing Reg.No. KA-05-JQ-9062, which has not been seriously disputed by the Insurance Company. The Insurance Company has also not chosen to examine the Investigating Officer or any other material witnesses before the Tribunal to establish the circumstances surrounding the alteration of the vehicle number in the MLC.

11. Therefore, merely relying upon Ex.R1, the Tribunal ought not to have concluded that the entire claim petition was frivolous. No doubt, the claimant ought to have examined the complainant, Rudresh, before the Tribunal to ascertain the reason for the subsequent insertion of the new registration number in the MLC. However, learned counsel for the appellant submits that, if an opportunity is granted, the appellant would be in a position to examine the complainant before the



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Tribunal. The said prayer has not been seriously opposed by learned counsel appearing for the Insurance Company. In such circumstances, I am of the considered view that the matter requires fresh consideration at the hands of the Tribunal. Accordingly, the matter deserves to be remitted to the Tribunal by extending an opportunity to both parties to adduce further evidence and produce additional documents, if any, in support of their respective contentions. Accordingly, I pass the following:

ORDER

- i) The appeal is **allowed** and remanded;
- ii) The impugned judgment and award dated 03.02.2020 passed in M.V.C.No.3455/2018 by the XXIV Additional Small Causes Judge and the MACT and A.M.M.M.(SCCH-26), Bengaluru is set aside.
- iii) Matter is remitted back to the Tribunal for fresh consideration by extending opportunity to both the parties to lead evidence and to produce documents.
- iv) The Tribunal is at liberty to frame additional issues, if any, to adjudicate the claim petition.
- v) Parties shall appear before the Tribunal on **26.10.2026** without further notice.



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vi) Since the accident is of the year 2018, the Tribunal is requested to dispose the claim petition at the earliest.

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

SD/-
(RAJESH RAI K)
JUDGE

SPV/GPG
List No.: 1 SI No.: 3