



CNR: KAHC010243912015

NC: 2026:KHC:52071
MFA No. 2791 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.2791 OF 2015(MV-D)

BETWEEN:

1. SRI PRAKASHAIAH M S
S/O LATE SIDDAIAH,
SINCE DEAD BY LRS,

1(a) SMT.GANGAMMA,
W/O LATE SIDDAIAH,
AGED ABOUT 52 YEARS,

1(b) SRI.BASAVARAJAIAH
S/O LATE SIDDAIAH,
AGED ABOUT 20 YEARS,

1(c) KUM.RANI
D/O LATE SIDDAIAH,
AGED ABOUT 20 YEARS,

ALL ARE R/AT BILLAHALLI VILLAGE,
DOONI HALLI POST,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT.

...APPELLANTS

(BY SRI. DEVARAJU H.R., ADVOCATE FOR
SRI. RUDRAPPA P.,ADVOCATES)

AND:

1. SRI H K MANJUNATH
S/O H.KARIBASAPPA,
AGED ABOUT 26 YEARS,
R/O GOVT. HOSPITAL ROAD,

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA



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DEVARABELLAKERE VILLAGE,
HARIHAR TALUK,
DAVANAGERE DIST-577 354.

2. SRI.MEER ASGAR HUSSAIN
S/O MEER ABDUL SALAM
MAJOR,
R/O D.NO.33, 1ST CROSS,
TANKMOHALLA
EAST SIDE, SHIMOGA,
SHIMOGA TALUK & DISTRICT.
3. THE DIVISIONAL MANAGER
SRIRAM GENERAL INSURANCE CO. LTD.,
10003/E-8, ERIP, RIICO,
INDUSTRIAL AREA,
SITAPURA, JAIPURA,
RAJASTHAN STATE-302 022.

...RESPONDENTS

(BY SRI. O MAHESH.,ADVOCATE FOR R3 (VC);
R1 - NOTICE SERVED AND UNREPRESENTED;
VIDE COURT ORDER DATED 08.10.2025
APPEAL AGAINST R2 STANDS DISMISSED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 11.02.2015 PASSED IN MVC
NO.762/2011 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE
& MEMBER, MACT-IV, DAVANAGERE, DISMISSING THE CLAIM
PETITION FOR COMPENSATION.

THIS APPEAL IS COMING ON FOR *ADMISSION*, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



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ORAL JUDGMENT

Challenging judgment and award dated 11.02.2015 passed by Prl. Senior Civil Judge and Member MACT-IV, Davanagere, (**Tribunal**) in MVC no.762/2011, this appeal is filed.

2. Sri Devraj, learned counsel appearing for Sri P. Rudrappa, learned counsel for appellants submitted that appeal was by claimant against dismissal of claim petition.

3. Brief facts leading to this appeal are that on 21.05.2011, one Prakashaiah, 26 years old Medical Representative was proceeding on motorcycle no.KA-27-K-2943 towards Ashoka Road, Davanagere, when driver of Bus no.KA-17-A-1343, drove it in rash and negligent manner and it dashed against claimant's motorcycle from behind. In accident, claimant sustained grievous injuries and despite treatment at CG Hospital and Apoorva Hospital, Davangere, he did not recover fully and sustained loss of earning capacity.

4. Claiming compensation, he had filed claim petition under Section 166 of Motor Vehicles Act, 1988 (**MV Act**) against driver, owner and insurer of offending bus.



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5. Despite service of notice, driver did not appear and was placed ex-parte. Owner entered appearance but did not file objections. Only insurer entered appearance and filed objections, denying claim petition in toto, admitting issuance of insurance policy and its coverage as on date of accident, but alleging violation of terms and conditions of policy etc.

6. During pendency of claim petition, claimant died. Alleging that death of claimant was due to accidental injuries and therefore claimants were entitled for compensation towards loss of dependency, claim petition was pursued.

7. Tribunal framed issues and recorded evidence. Claimant examined himself as PW.1 and two additional witnesses were examined as PWs.2 and 3 and Exhibits P1 to P21 were got marked. Insurer examined its official as RW.1 and got marked two documents as Exhibits R1 and R2.

8. On consideration, Tribunal held death of claimant was not due to accidental injuries, claimants had failed to establish nexus between them and dismissed claim petition. Aggrieved, this appeal was filed.



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9. It was firstly submitted that claimant was 26 years of age working as Medical Representative and earning Rs.10,000/- per month on date of accident. Due to accidental injuries, claimant was not in a position to work and removed from service. Subsequently, he died. Since death of claimant was due to accidental injuries, dismissal of claim petition by Tribunal was not justified.

10. In support of his submission, he sought to rely upon decision of Hon'ble Supreme Court in ***Dhannalal Alias Dhanraj (Dead) through Lrs., Vs. Nasir Khan & Ors. [2025 INSC 1177]***. On above grounds sought for allowing of appeal.

11. On other hand, Sri O. Mahesh, learned counsel for respondent-Insurer sought to oppose appeal. It was contented that injuries sustained in accident included fractures of second and third phalanges of left leg, which cannot be stated to be so grievous or severe as to cause death. Claimant had failed to examine Doctor, who had examined claimant at time of death. Post mortem report was also not produced. Therefore, Tribunal was justified in dismissing claim petition.



12. Heard learned counsel, perused impugned judgment and award and records.

13. From above and since this appeal is by claimant against dismissal of claim petition, point that arise for consideration is:

"Whether dismissal of claim petition on ground of failure to prove nexus between injuries and death of claimant is justified?"

14. From above, it is seen that claim petition was filed alleging that on 21.05.2011 while riding motorcycle near Ashoka road, Davanagere, claimant met with accident due to rash and negligent driving of offending insured bus by its driver causing injuries on claimant.

15. In order to establish actionable negligence against driver of bus, claimant sought to rely on FIR, complaint, re-statement, seizure mahazar, wound certificate, Motor Vehicle Inspector's reports and charge sheet as Ex.P1 to Ex.P9. Admittedly, during pendency of claim petition, claimant died on 26.11.2012. His legal representatives got impleaded and sought to continue claim petition as a death claim instead of injury claim. As per ratio laid on by **Dhannalal Alias Dhanraj**



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(Dead) through Lrs., (Supra) in case of death of claimant due to accidental injuries during pendency of claim petition, legal representatives would be entitled to continue it as death claim. But, nexus between accidental injuries and death has to be established.

16. In instant case, perusal of Death Certificate as per Ex.P21 reveals that claimant died in Bapuji Hospital, Davanagere. Though claimant examined Dr. L. Palakshaiah as PW.2, he was doctor who had treated claimant in Apoorva Hospital. He did not depose about possibility of death due to accidental injury. In fact, he stated injuries were not serious and non fatal.

17. Perusal of Disability Certificate at Ex.P16 also reveals that claimant had sustained fractural injuries to second and third phalanges of left leg. Fractural injuries of phalanges cannot be presumed to be of such severe nature as to cause death.

18. Learned counsel for appellant was unable to answer Court queries about failure to examine doctor, who had treated



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claimant at time of death in Bapuji Hospital, or about absence of post mortem report.

19. In view of above, as there is glaring absence of material about nexus of injuries to death, Tribunal would be justified in dismissing claim petition.

No grounds to interfere. Point for consideration is answered in affirmative. Consequently, appeal is ***dismissed***.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

RL
List No.: 1 Sl No.: 14