



CNR: KAHC010250112023

NC: 2026:KHC:44781
MFA No. 3367 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 3367 OF 2023 (MV-DM)

BETWEEN:

MR. NAGESH NAIK,
AGED ABOUT 29 YEARS,
R/O-H. NO.2-8, MUDUJADDU,
THANTHRADI,
KADOOR VILLAGE AND POST,
UDUPI TALUK AND DISTRICT.

...APPELLANT

(BY SRI. K. PRASANNA SHETTY., ADVOCATE)

AND:

1. SUBRAMANYA BHAT,
S/O. LATE ANNAPPA BHAT,
R/O. SHIVASHAKTHI,
PANDESHWARA,
SASTHAN POST,
UDUPI TALUK AND DISTRICT.
2. THE NEW INDIA ASSURANCE CO., LTD.,
KUNDAPURA BRANCH,
1ST FLOOR, PUSHPA BUILDING,
MAIN ROAD,
KUNDAPURA - 576 201,
UDUPI DISTRICT.
REP BY ITS MANAGER.
3. RELIANCE GENERAL INS. CO., LTD.,
NO.28, 5TH FLOOR,

Digitally
signed by
REKHA R
Location:
High Court of
Karnataka



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SOUTHERN PORTION,
EAST WING, CENTRANRY BUILDING,
M.G.ROAD, BANGALORE.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI. DR. P. RAVISHANKAR, ADVOCATE FOR R2,
SMT. T.N. MALATHI, ADAVOCATE FOR R3,
R1 SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:23.09.2022
PASSED IN MVC NO.160/2018 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND ADDITIONAL MACT, KUNDAPURA,
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 T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking for setting aside
of the judgment and award dated 23.09.2022 passed by
the Senior Civil Judge and Additional Motor Accident



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MFA No. 3367 of 2023

Claims Tribunal, at Kundapura¹, dismissing the claim petition.

2. The parties are referred to as per their ranking before the Tribunal.

3. The facts germane to file this present appeal are as under:

4. It is the case of the claimant that in an accident occurred on 30.06.2017 involving Auto Rickshaw bearing registration No.KA-20-D-9845 and Mahindra Xylo Meagle Crde 2WD 853 bearing registration No.KA-20-P-5448, the Auto Rickshaw belonging to the petitioner got extensively damaged. The Claimant filed claim petition seeking a sum of Rs.2,60,000/- along with interest at the rate of 15% per annum, as damages caused to the auto Rickshaw.

5. Both the insurer of Auto Rickshaw as well as Mahendra Xylo appeared and filed their respective statement of objections. Respondent No.3-Insurer of the

¹ "Tribunal" for short



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Auto Rickshaw stated in the statement of objections that immediately after the accident they have reimbursed a sum of Rs.79,872/-, in view of claim made before the Insurer towards satisfying the damage sustained to the vehicle.

6. So far as the insurer of Mahindra Xylo car is concerned, they have submitted statement of objections taking specific contention that the claimant has not produced a single iota of evidence to show that he has incurred any expenses beyond the one which has already been settled by the insurer of the Auto Rickshaw and sought to dismiss the appeal.

7. The Tribunal after considering the Pleadings, framed appropriate issues and answered the same, holding that the claimant has failed to produce any evidence to corroborate that he has incurred any expenditure towards repairing the damaged Auto Rickshaw. Further, the Tribunal has taken into



CNR: KAHC010250112023

consideration of the amount of Rs.79,872/- having been paid by the insurer of Auto Rickshaw towards repair charges in the claim made before the concerned Insurance Company.

8. The Tribunal relying on the judgment of Division Bench of this Court in the case of ***HARKHUBHAI AND OTHERS VS. JIYARAM AND OTHERS***, wherein it is held by the Division Bench that once the amount having been received as full and final settlement towards the damage to the vehicle, the claim petition seeking for compensation either against the Insurer of the particular vehicle or against the offending vehicle is not maintainable. Further relied on the judgment of High Court of Kerala, reported in ***KERALA 2022 Latest case law 6251 KER*** between ***Antony Vs Suresh***, on the same proposition of law, and on the basis of the judgment rendered by the High Courts stated supra, this the Tribunal proceeded to dismiss the claim petition. It is this judgment and award passed by the Tribunal is called in question.



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9. Heard Sri.K.Prasanna Shetty, learned counsel for appellant and Dr.P.Ravishankar, learned counsel for respondent No.2-Insurer of Mahindra Xylo and Smt.T.N.Malathi, learned counsel for respondent No.3-Insurer of Auto Rickshaw.

10. To the query of the Court, Sri.K.Prasanna Shetty is unable to explain as to whether he has produced any other documents other than the invoices to show that he has incurred any expenditure for the purpose of repair of the vehicle, except the bills towards purchase of the spare parts he has not produced any other documents to substantiate his contention. That apart, in view of the judgment, in view of the law laid down by the Division Bench of this Court as well as Kerala High Court, this Court is of the opinion that there is no requirement to interfere in the well reasoned and considered judgment of the Tribunal.



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11. Accordingly the appeal sans merit and is
dismissed.

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 1 Sl No.: 10