



NC: 2026:KHC:34432-DB

MFA No. 2824 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 2824 OF 2016 (MV-I)

BETWEEN:

SIDDARAJU
S/O RAMEGOWDA,
AGED ABOUT 28 YEARS,
R/AT NO. 24, GANAPATHIPURA,
BANGALORE - 560 062.

...APPELLANT

(BY SRI. SHRIPAD.V.SHASTRI.,ADVOCATE)

AND:

MR. RAJANNA
S/O CHOWDEGOWDA,
MAJOR,
R/AT NO. 33,
MAHARAJARA KHATTE ROAD,
BASAVESHWAR NAGARA,
NEAR PIPE LINE, KANAKAPURA TOWN,
RAMANAGARA DISTRICT.

...RESPONDENT

(BY SRI. M.KRISHNA DAS., ADVOCATE [ABSENT])

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17.12.2015 PASSED IN
MVC NO.6919/13 ON THE FILE OF THE 1ST ADDITIONAL
SMALL CAUSES JUDGE & 27TH ACMM,BENGALURU, PARTLY

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA



ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal seeks to challenge the judgment and award dated 17.12.2015, in MVC No.6919/2013, passed by the 1st Additional Small Causes Judge & 27th ACMM, Bengaluru (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded compensation to the appellant/claimant in a sum of Rs.3,20,000/-, as a global compensation, after deducting 50% of award towards contributory negligence, along with interest at 6% per annum from the date of the petition till its realisation. Thus, an amount of Rs.1,60,000/- was awarded to the claimant.



2. There is no appearance on behalf of the respondent today, as well as on the last two dates of hearing. Given the pendency of this appeal for the last 10 years, this Court deems it apposite to hear and decide the matter finally.

3. Brief facts are on 21.09.2012, at about 08.30 a.m. the appellant/claimant was riding his motorcycle bearing No.KA-05-HV-1100 from Kodihalli side towards Kanakapura. At that time, the rider of another motorcycle bearing No.KA-42-J-795, which was coming on the opposite side collided with the other motorcycle in 'head-on collusion'. Both the riders sustained injuries and filed a claim petition under Section 166 of the Motor Vehicles Act (hereinafter referred to as the 'MV Act').

4. The challenge in the present appeal is to the claim petition filed by the rider of motorcycle number KA-05-HV-1100. It was stated in the claim petition that the appellant /claimant had spent more than Rs.2,00,000/- for medical



and nourishment expenses and claimed compensation of Rs.13,00,000/-.

5. A response was filed to the claim petition by the rider of the other vehicle i.e., Motor cycle bearing No.KA-42-J-795, raising several defences, including that he was not driving in a rash and negligent manner and that the appellant/claimant was not holding a valid Driving License. A case was registered by the Jurisdictional Police, being Crime No.241 of 2013, where the appellant/claimant was arrayed as accused no.2 and the respondent was accused No.1.

6. Based on the pleadings of the parties, the following issues were framed by the learned Tribunal:

"1. Whether petitioner proves that, on 21.9.2012 at about 8.30 a.m., when he was riding his motor cycle bearing No.KA-05-HV-1100 from Kodihalli to Kanakapura slowly near Srinivasanahalli, at that time, rider of motor cycle bearing No.KA-42-J-795 ridden the said vehicle from Kanakpur to Kodihalli side in a rash and negligent manner with high speed endangering human life and dashed to the motor cycle by which he fallen down and sustained grievous injuries?"



2. Whether petitioner is entitled to the compensation as prayed in the petition? If so, what is quantum of compensation?

3. What order or award?"

7. The appellant/claimant examined himself as PW1 and marked 10 documents. Exhibits P1 to Exhibit P10, which included the FIR (Exhibit-P1), complaint (Exhibit-P2), charge-sheet (Exhibit-P3), IMV report (Exhibit-P4). In addition, medical bills and prescriptions were also marked.

7.1 The respondent examined himself as RW1 and marked 20 documents in addition to the statement of witnesses (Exs. R1 to R7), FIR (Ex.R8) including Medical Certificate (Ex.R14), OPD card (Ex.R16), medical prescriptions (Ex.R17 and Ex.R18), Discharge card (Ex.R19), documents in relation to Criminal Case No.417/2014 filed by the respondent against the appellant (Ex.R10). The respondent also produced documents in relation to MVC No.555/2014, which was a claim petition filed by him before the MACT, Ramanagara against the petitioner as Exs.R11 and R12.



8. The learned Tribunal awarded compensation a global compensation of Rs.3,20,000/- and then deducted Rs.1,60,000/- towards contributory negligence, on a finding that negligence was proved. However, 50% of negligence was attributable to the appellant/claimant, while 50% to the respondent.

9. The learned counsel for the appellant/claimant raises a challenge on the aspect of contributory negligence alone. He submits that 50% ought not to have been deducted from the compensation.

10. As stated above there is no appearance on behalf of the respondent. However, and in any event, an examination of the record and evidence placed before this learned Tribunal reflects that the accident was caused in view of a 'head-on collision' between two motorcyclists. The Motor Vehicle Accident Report (Exhibit P4) also reflects that there were two vehicles involved and the vehicles were involved in a 'head-on collision' only. The



relevant extract of the MV Accident Report is set out below:

"5. Mechanical condition of the vehicle :

I. KA.42.J.795

- 1) Handle Bar damaged.
- 2) Head Light damaged
- 3) Speedometer damaged
- 4) Front motor guard damaged.
- 5) Front forks damaged.

II. KA.05.HV.1100

- 1) Head light damaged.
- 2) Handle bar damaged.
- 3) Fuel Tank dented
- 4) Right side front foot rest damaged.

xxx

xxx

xxx

8. Brake System :

Inspected the vehicles in stationed condition and found that both the vehicles brake system were in order.

xxx

xxx

xxx

10. Brief particulars of cause of accident should be furnished:

I am of the opinion that the accident was not due to any mechanical defects of the vehicles."

[Emphasis Supplied]

11. This aspect has been examined in detail at para 14 of the Impugned Order, as well. The learned Tribunal, after examining charge-sheet, found that the appellant/claimant was also driving his vehicle in a rash and negligent



manner; thus, both vehicles sustained damages to the front portion. The learned Tribunal also found that on perusal of the Police documents and oral evidence, both the appellant/petitioner and the respondent would be equally liable. The relevant extract of the Impugned Award is set out below:

"14) Petitioner has produced true copy of FIR and complaint which are marked as ExP.1 and 2 and as per said documents, **police have registered the case against the respondent in Cr.No.241/2013 for the offences punishable under section 279, 337 of IPC for rash and negligent driving and causing accident to the petitioner.** Petitioner has produced true copy of charge sheet which is marked as ExP.3 and as per said document, police have filed charge sheet against the petitioner and respondent for rash and negligent driving. **On perusal of charge sheet, it clearly reveals that, the petitioner was also driving his vehicle in rash and negligent manner endangering human life with high speed and dashed to the motor cycle of respondent.** On perusal of motor vehicle inspection report ExP.4, it reveals that, in the said **accident, both vehicles sustained damages to the front portions.** The respondent has also produced similar documents which are marked in his evidence and he has also produced certified **copy of order sheet in C.C.No.417/2014 which goes to show that, separate criminal case has been registered against the petitioner. The respondent has also produced certified copy of claim petition bearing M.V.C.No.555/2014 which has been filed before MACT Ramanagar which reveals that, the respondent has also filed claim petition against the petitioner claiming compensation for rash and negligent driving and causing the accident and bodily injuries in the road traffic accident.** The respondent has also produced certified copy of



respondent has also filed claim petition against the petitioner claiming compensation for rash and negligent driving and causing the accident and bodily injuries in the road traffic accident. The respondent has also produced certified copy of deposition in M.V.C.No.555/ 2014, medical documents which are marked as ExR.13 to 19 for having taken treatment due to the accidental injuries. He has also produced certified copy of order sheet and vakalat of petitioner which reveal that, the petitioner of this case has appeared in the claim petition filed by the respondent through his advocate and contesting the matter and he is having knowledge of fact about case registered against him by the police. On perusal of police documents and oral evidence on record, they reveal that, the accident has taken place due to rash and negligent driving by petitioner and respondent and they are equally liable for the accident. **However rash and negligent driving on the part of the respondent cannot be ruled out as he has been charge sheeted by the police and he has not challenged charge sheet before competent forum. On perusal of evidence on record, it reveals that, the accident has taken place due to rash and negligent driving by the respondent. However, there is also contributory negligence on the part of petitioner which cannot be ruled out. So I hold that, petitioner has proved rash and negligent driving by the respondent. So I answer issue No.1 in the affirmative."**

[Emphasis Supplied]

12. An examination of the MV report as well as the Impugned Award does show that the two vehicles were involved in a 'head-on collision'. Both the appellant/petitioner and the respondent were charge-sheeted for this accident.



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13. In view of the foregoing, this Court finds no ground to interfere with the finding on contributory negligence as passed by the learned Tribunal. The appeal is accordingly ***dismissed***. All pending application(s) stand closed.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

JJ
List No.: 1 Sl No.: 5