



CNR: KAHC010282752025

NC: 2026:KHC:54942
MFA No. 3177 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3177 OF 2025
(MV-I)

BETWEEN:

DR. MANJUNATH T.K.
S/O K.N. KRISHNA REDDY,
AGED ABOUT 44 YEARS,
RESIDING AT NO.169,
1ST FLOOR, LAKSHMIPURA MAIN ROAD,
NEAR SHANIMAHATMA TEMPLE,
DEVASANDRA, BENGALURU NORTH,
KRISHNARAJAPURAM,
BANGALORE - 560 036.

AND ALSO AT:
NO.H1.501, PROVIDENT
WELWORTHY CITY APARTMENT,
MARASANDRA, DODDABALLAPURA ROAD,
BENGALURU NORTH.

...APPELLANT

(BY SRI. SHYAMA PRASADA K.V., ADVOCATE)

AND:

1. M/S PNP DEVELOPERS
NO.158, KAILAS TOWER,
UAS LAYOUT,
BHOOPASANDRA MAIN ROAD,
SANJAYNAGAR,
BENGLAURU - 560 094.
REPRESENTED BY ITS MANAGER.

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2. THE UNITED INDIA INSURANCE CO. LTD.,
REGIONAL OFFICE,
6TH FLOOR, KRISHI BHAVAN,
HUDSON CIRCLE, NRUPATHUNGA ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. MUTHURAJ S., ADVOCATE FOR R1;
SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 27.09.2024 PASSED IN MVC
NO.4779/2021 ON THE FILE OF THE CHIEF JUDGE, COURT OF
SMALL CAUSES AND MEMBER, PRL. MACT, BENGALURU (SCCH-
1), DISMISSING THE CLAIM PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant challenging the
dismissal of his claim petition passed in the Judgment and
Award dated 27.09.2024 passed in MVC No.4779/2021 by
Chief Judge, Court of Small Causes and Member, Principal
MACT, Bengaluru (SCCH-1).

2. The appellant made a claim petition seeking
award of compensation for the injury sustained by him in a

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road traffic accident occurred on 28.12.2019 contending that the accident occurred due to rash and negligent driving of the driver the car bearing registration No.KA-04-MQ-7893.

3. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record dismissed the claim petition holding that the claimant has not proved the rash and negligent driving of the driver of car and occurrence of the accident.

4. The Tribunal has assessed the compensation under the following heads:

Sl. No.	Particulars	Amount
1.	Pain and sufferings	Rs. 70,000/-
2.	Treatment charges	Rs. 2,82,616/-
3.	Attendant and conveyance charges	Rs. 15,000/-
4.	Loss of income during treatment period	Rs. 1,20,000/-
5.	Loss of amenities and unhappiness	Rs. 50,000/-
	Total	Rs. 5,37,616/-

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5. The Tribunal has also awarded interest at the rate of 6% per annum. The claimant has filed the present appeal challenging the finding given by the Tribunal on issue No.1.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellant would contend that, the Tribunal has disbelieved the evidence of the claimant and the documents produced only on the ground that there is a delay in filing the FIR and ignored the documents produced by the claimant. The Police after investigation has filed a charge sheet against driver of the car. A copy of the said charge sheet is at Ex.P2. The said charge sheet has not been challenged by driver of the car. Ex.P19 is the Wound Certificate issued by the Government Hospital, Hiriya and it pertains to the claimant and Ex.P6 is the Wound Certificate issued by the Government Hospital, Hiriya with regard to injuries sustained by the



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brother of the claimant who was also travelling along with the claimant in the car. The said two documents are of the date of the accident i.e., 28.12.2019 wherein there is mention of history of the injuries sustained in a road traffic accident. He further submits that, Ex.P5 - Motor Vehicle Inspector's Report indicate damages to the car. The brother of the claimant has filed a complaint and has given explanation for delay in filing the complaint that he was looking after the claimant as he was taking treatment in the hospital and he was taking his care even after his discharge. The documents produced by the claimant clearly establishes the accident and rash and driving of driver of the car bearing registration No.KA-04-MQ-7893. Considering the said aspect, the finding given by the Tribunal on issue No.1 is not proper. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, even though the injured were taken

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after the accident to the Government Hospital, Hiriur, there is no document produced by the claimant with regard to the MLC. The delay in filing the FIR has not been explained properly. Considering these aspects, the Tribunal has rightly held that the claimant has failed to prove issue No.1 and rightly dismissed the petition. With these, he prayed for dismissal of the petition.

9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment, Award and Trial Court records.

10. The following point arises for consideration:

I) Whether the Tribunal was erred in answering issue No.1 in Negative and dismissing the claim petition?

REASONS

11. **POINT NO.1** : Issue No.1 framed by the Tribunal reads as under:

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"1) Whether the petitioner proves that due to rash and negligent driving of car bearing Reg.No.KA-04-MQ-7893 by its driver dashed to the road side tree, due to that petitioner who was travelling in the above said car has sustained injuries in the accident that occurred on 28.12.2019?"

12. The accident occurred on 28.12.2019 at 12.15 p.m. in a Byadrahalli Village near Hiriur Taluk, Chitradurga District. At the time of accident, the claimant and his brother - Prathap Kumar K., were travelling in a car bearing registration No.KA-04-MQ-7893 of the ownership of respondent No.1 and it was driven by the driver - Shashikumar T.N. The car met with an accident at 12:15 p.m. and the said car has dashed to a tree by the side of the road due to rash and negligent driving of driver of the car. As a result, the claimant and his brother-Prathap Kumar K., sustained injuries. Ex.P6 is the Wound Certificate of Prathap Kumar K., issued by the Government Hospital, Hiriur wherein it is stated that he sustained injuries in a road traffic accident occurred on 28.12.2019 at 12.15 p.m. and he has been examined by the Doctor at



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2.45 p.m. Ex.P19 is the Wound Certificate of the claimant wherein it is stated that he sustained injuries in a road traffic accident occurred on 28.12.2019 at 12.15 p.m. and he has been examined by the Doctor at 02:45 p.m. and injuries are described in Ex.P6 - Wound Certificate. Considering the said documents, it is clear that the claimant and his brother - Prathap Kumar K., sustained injuries in a road traffic accident occurred on 28.12.2019 near Hiriur. Ex.P7 is the Discharge Summary issued by Aster Hospital, Bengaluru wherein the claimant has been admitted on 28.12.2019 at 22.39 hours and discharged on 02.01.2020. In the said Ex.P7, history of the injuries mentioned as sustained in a road traffic accident occurred on 28.12.2019 at around 01.00 - 01.30 p.m.

13. Ex.P5 is the Motor Vehicle Inspector's report of the damages sustained to the car bearing registration No.KA-04-MQ-7893 and they are as under:

- i) Front shape completely damaged.

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- ii) Front bumper, headlights, indicators, bonnet and fenders damaged.
- iii) Engine and cooling systems damaged.
- iv) Front chassis frames damaged.
- v) Front left side door, window glass and rear view mirror damaged.
- vi) Front left side wheel and suspension systems damaged.

14. Ex.P2 is the charge sheet filed against driver of the car bearing registration No.KA-04-MQ-7893 namely Shashikumar T.N. for offences punishable under Sections 279, 337 and 338 of Indian Penal Code, 1860. These documents clearly indicate that the accident occurred due to rash and negligent driving of driver of the car bearing registration No.KA-04-MQ-7893 and it is registered on 24.01.2020 on the First Information filed by Prathap Kumar K. - brother of the claimant. No doubt there is a delay in filing the First Information, but there is an explanation in the First Information that as his brother sustained injuries in the accident has undergone surgery in Aster Hospital, Bengaluru and he was taking care of the claimant and that caused delay in filing the complaint.

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Merely because the delay in filing the FIR, the fact that accident on 28.12.2019 cannot be doubted in view of the Ex.P6 and EX.P19 - Wound Certificates of the claimant and his brother - Prathap Kumar K. Ex.P6 issued by the Government Hospital, Hiriya on the same day i.e., 28.12.2019 and Ex.P7 is the Discharge Summary of the Aster Hospital, Bengaluru which indicates that the claimant has been admitted on 28.12.2019 at 22.39 hours with the history of injuries sustained in a road traffic accident.

15. Ex.P18 is the certificate issued by Aster Hospital, Bengaluru wherein it is mentioned that the claimant has been admitted to the hospital on 28.12.2019 at 22.15 hours with the history of road traffic accident occurred on 28.12.2019 at about 01:30 p.m. at Hiriya-Dharmapura road wherein the claimant is stated to be travelling in a car in the passenger's seat sustained injuries as the four wheeler collided with a tree. The said Wound Certificates and Discharge Summary corroborates

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the damages sustained to the car which are mentioned in Ex.P5 - Motor Vehicle Inspector's Report. Respondent No.2/insurer has not lead any contra evidence to show that a false charge sheet has been filed against driver of the car bearing registration No.KA-04-MQ-7893.

16. Considering all these aspects, the Tribunal has erred in giving negative finding on issue No.1. The claimant has established that the accident occurred due to rash and negligent driving of driver of the car bearing registration No.KA-04-MQ-7893 and accident occurred on 28.12.2019, in the said accident the claimant and his brother sustained injuries. Therefore, issue No.1 requires to be answered in the affirmative. Accordingly **point No.1** is answered.

17. The Tribunal has assessed the compensation. The said assessment of the compensation has not been challenged by respondent No.2/insurer by filing cross-objections. Therefore the claimant is entitled total



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compensation assessed by the Tribunal in sum of Rs.5,37,616/- under different heads with interest at the rate of 6% per annum from the date of petition till realisation. Since as on the date of accident, the vehicle of respondent No.1 was insured with respondent No.2/insurer, respondent Nos.1 and 2 are jointly and severally liable to pay the total compensation amount. Respondent No.2 being insurer shall deposit the total compensation amount with interest.

18. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed**.*
- ii) *The claim petition is **allowed**.*
- iii) *The appellant/claimant is entitled to total compensation of Rs.5,37,616/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iv) *Respondent No.2/insurer shall deposit the total compensation amount with interest*

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before the Tribunal within a period of six weeks from this day.

- v) *The appellant/claimant is entitled to release of 50% of compensation with interest and remaining shall be kept in Fixed Deposit with Karnataka Bank, City Civil Court Branch, Bengaluru for a period of three (03) years.*

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 2 Sl No.: 46