



CNR: KAHC010356392022

NC: 2026:KHC:45212
MFA No. 5592 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5592 OF 2022(MV-I)

BETWEEN:

CHANDRANNA
S/O. LATE BAIYANNA @ DODDABAIYANNA,
AGED ABOUT 53 YEARS,
COOLIE, R/O. B. G. KERE VILLAGE,
MOLAKALMURU TALUK-577 535,
CHITRADURGA DISTRICT.

...APPELLANT

(BY SRI. VIJAYAKUMAR S.C, ADVOCATE)

AND:

1. SATHISH
S/O. RAMEGOWDA,
AGED ABOUT 48 YEARS,
R/O. RAJAGATTA BYE-PASS ROAD,
HASSAN-573 201.
2. THE BRANCH MANAGER
THE NEW INDIA ASSURANCE CO. LTD.,
VIJAYASHREE, DAVANAGERE ROAD,
CHITRADURGA-577 501.

...RESPONDENTS

(BY SRI. G.S. MARULAIAH, ADVOCATE FOR R2,
R1 - SERVED, UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28.01.2022 PASSED IN MVC
NO.546/2019 ON THE FILE OF THE ITINERARY SENIOR CIVIL

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010356392022

NC: 2026:KHC:45212
MFA No. 5592 of 2022

JUDGE AND MACT, MOLAKALMURU,
REJECTING THE CLAIM PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

This appeal is directed against the judgment and award dated 28.01.2022 passed in MVC No.546/2019 by the Court of Itinerary Senior Civil Judge and MACT, Molakalmuru (for short, 'the Tribunal'), whereby the Tribunal by rejecting the claim petition, awarded a sum of Rs.54,629/- towards medical expenses spent by the claimant.

2. The brief facts of the case are, on 27.01.2026 at 10:00 p.m., the deceased in this case one Baiyanna @ Doddabaiyanna while sleeping on the side of the platform at ESSAR Petrol bunk, a lorry bearing registration No.KA-01-C-1257, while moving in a reverse direction in a rash and negligent manner, ran over him. As a result, he sustained injuries and he was treated at Govt. Hospital, Molakalmuru and then to SSIMS Hospital, Davanagere, as inpatient. Later, on 24.02.2016 he succumbed due to accidental injuries.



CNR: KAHC010356392022

Thereafter, a claim petition was filed by the claimant-appellant in the year 2019 i.e., after lapse of 3 years claiming compensation for the death of deceased.

3. The Tribunal, upon assessment of oral and documentary evidence, rejected the claim petition by holding that there was no nexus for the death of deceased and accident in question. However, the Tribunal has granted the medical expenses as stated supra. The said judgment is challenged by the appellant in this appeal.

4. Heard learned counsel for the respective parties.

5. The contention of the learned counsel for the appellant-claimant is that the deceased was died within one month from the date of accident i.e., on 24.02.2016 solely due to the injuries he sustained in the accident. However, due to lack of legal knowledge, the appellant had failed to file a claim petition immediately after the death of deceased. As such, he submits that the finding of the Tribunal that there was no nexus between the death and the accident is not sustainable.



CNR: KAHC010356392022

NC: 2026:KHC:45212
MFA No. 5592 of 2022

Accordingly, he prays to allow the appeal by awarding compensation for the death of deceased.

6. *Per contra*, learned counsel for the Insurance Company contended that the claim petition is not maintainable either on facts or on law, since the same is filed after lapse of three years from the date of death of deceased. According to him, absolutely there is no evidence or materials placed on record to substantiate that the death was caused due to the accident and absolutely there is no nexus between the death and accident. He also contended that since no inquest or autopsy is conducted, the cause of death is not revealed. In such circumstances, the Tribunal is justified in dismissing the claim petition.

7. I have given my anxious consideration to the submissions made by learned counsel for the respective parties and perused the impugned judgment and other documents made available before this Court.

8. As could be gathered from records, the accident in question was occurred on 27.01.2016. Thereafter, Baiyanna



NC: 2026:KHC:45212
MFA No. 5592 of 2022

CNR: KAHC010356392022

(deceased), after taking first aid treatment at Govt. Hospital, Molakalmuru, and higher treatment at SSIMS Hospital, Davanagere, discharged from the Hospital and after 27 days, he died due to the accidental injuries. Admittedly, the autopsy was not conducted and after three months from the date of death, a charge sheet was filed under Sections 279 and 338 of IPC against the driver of the lorry. In such circumstances, it is clear that the cause of death is not due to the accidental injuries. Moreover, the deceased was aged about 70 years at the time of accident. The Tribunal, considering the said aspect, awarded a sum of Rs.54,629/- towards medical expenses spent by the claimant. Admittedly, the claim petition was not filed at the time of death of deceased. The claimant has not produced any documents to assert that the deceased was died due to accidental injuries. In such circumstances, considering the fact that the deceased was 70 years at the time of accident, the Tribunal is justified in holding that there is no nexus between the death and the accident.

9. However, the medical record reveals that the deceased was an inpatient for a period of 10 days in SSIMS



CNR: KAHC010356392022

NC: 2026:KHC:45212
MFA No. 5592 of 2022

Hospital, as such, the claimant is entitled to a sum of **Rs.10,000/-** towards 'attendant charges'.

10. The sum of **Rs.54,629/-** awarded by the Tribunal towards 'medical expenses', being based on documentary evidence, affirmed.

11. Thus, the claimant is entitled to a sum of **Rs.64,629/-** as against Rs.54,629/- along with interest at the rate of 6% per annum from the date of petition till its realization.

12. The Insurance Company is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

The appeal is accordingly ***allowed in part.***

Pending I.As., if any, stand disposed of.

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 14