



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 4740 OF 2017 (MV-I)

BETWEEN:

BASAVARAJAPPA.R,
S/O. RAMANNA @ KADARAYARA RAMANNA,
AGED ABOUT 48 YEARS,
R/O. SIRIGONDANAHALLY,
POST: DODDATHEKALAVATTY,
MATHODU HOBLI, HOSADURGA TALUK,
CHITRADURGA DISTRICT-577 554.

...APPELLANT

(BY SRI RAJATH.S, ADVOCATE FOR
SRI MAHESH R UPPIN, ADVOCATE)

AND:

RUDRESH,
S/O. KAMASAGARAPPA,
AGED ABOUT 43 YEARS,
AGRICULTURIST,
R/O. DODDATHEKALAVATTY VILLAGE,
MATHODU HOBLI, HOSADURGA TALUK,
CHITRADURGA DISTRICT,
PRESENTLY R/AT: NITUVALLY EXTENSION,
DAVANAGERE CITY-577 001.

...RESPONDENT

(BY SRI R SHASHIDHARA, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 05.12.2014 PASSED IN MVC
NO.62/2014 ON THE FILE OF THE III ADDITIONAL SENIOR
CIVIL JUDGE AND VII MACT, DAVANAGERE, AWARDING
COMPENSATION OF RS.2,52,000/- WITH INTEREST AT 6% P.A.



WITHIN 30 DAYS FROM THE DATE OF PETITION TILL ITS REALISATION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

Heard the learned counsel appearing for the appellant and appearing for the respondent.

2. Being aggrieved by the Judgment and Award in MVC.No.62/2014 dated 05.12.2014 by III Additional Senior Civil Judge and VII M.A.C.T., Davanagere, the respondent therein is before this Court in appeal.

3. The petitioner was the pillion rider on the Hero Honda motorcycle bearing No.KA-16/Q-6247, which was owned and driven by the respondent-Basavarajappa, who is the appellant herein. The said vehicle met with an accident, wherein the petitioner had sustained injuries and he was shifted to the Government Hospital, Hosadurga and thereafter, to SS Medical College and Hospital,



Davangere. Since the motorcycle of the respondent/appellant herein was bereft of any insurance, a claim petition was filed by the petitioner against the owner of the motorcycle, the appellant alone. The appellant though appeared before the Tribunal did not file any objections.

4. The Tribunal recorded the evidence of PW.1 and PW.2 and Exs.P1 to 17 were marked. Respondent neither examined any witness nor got marked any document.

5. After hearing the arguments, the Tribunal has awarded a compensation of Rs.2,52,000/- to the petitioner.

6. Being aggrieved, the respondent is before this Court in the appeal contending that the compensation is on the higher side and the petition should have been filed at Hosadurga, but it was filed at Davanagere.



7. Learned Counsel appearing for the appellant would submit that the Tribunal at Davanagere did not had any jurisdiction to try the matter and therefore, the impugned judgment is liable to be set aside.

8. It is trite law that the petition may be filed at the place where the injured is living. It is not necessary that the petition has to be filed at the place where the accident had taken place. The address shown by the petitioner in the cause-title of the petition as well as in his affidavit evidence, is that he is resident of Davanagere. Therefore, there cannot be any grievance by the appellant herein about the place where the petition was tried. Obviously, the petitioner had not appeared before the Tribunal and had raised the question of jurisdiction. Under these circumstances, this Court do not find absolutely no merit in the present appeal. The Tribunal has considered the contentions of the respondent and after appreciation of the evidence, has come to the conclusion that the appellant is liable to pay a sum of Rs.2,52,000/-.



**NC: 2026:KHC:1405
MFA No. 4740 of 2017**

9. Under these circumstances, the appeal is unmerited and as such, the same is dismissed.

**Sd/-
(C M JOSHI)
JUDGE**

NR/-
List No.: 1 SI No.: 8