



CNR: KAHC010367122020

NC: 2026:KHC:46331
MFA No. 6201 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.6201 OF 2021(MV-I)

BETWEEN:

M/S ORIENTAL INSURANCE COMPANY LTD.,
NO.20, 1ST FLOOR, 100 FEET ROAD,
JALAHALLI CROSS, BANGALORE
REPRESENTED BY ITS MANAGER
THROUGH ITS REGIONAL OFFICE,
LEO SHOPPING COMPLEX, NO.44/45,
RESIDENCY ROAD, BANGALORE - 560 025
REPRESENTED BY ITS REGIONAL MANAGER

...APPELLANT

(BY SRI. B.S UMESH, ADVOCATE)

AND:

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

1. SMT. PARVATHAMMA @ CHIKKATHAYAMMA
WIFE OF LATE C RAJANNA
AGED ABOUT 43 YEARS,
2. MASTER SHARATH KUMAR
S/O LATE C RAJANNA
AGED MAJOR
EXACT NOT KNOWN TO APPELLANT
3. SAMPATH KUMAR
S/O LATE RAJANNA
AGE MAJOR
EXACT NOT KNOWN TO APPELLANT



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4. SANDYA RANI
D/O LATE RAJANNA
AGE MAJOR
EXACT NOT KNOWN TO APPELLANT

ALL ARE RESIDING AT KUKKUR VILLAGE,
MALLURU HOBLI, CHANNAPATNA TALUK
RAMANAGARA DISTRICT - 562 160.

5. PUTTANARASIAH
S/O LATE HANUMANTHAPPA,
AGE MAJOR
EXACT NOT KNOWN TO APPELLANT
RESIDING AT NO. 396, 21ST CROSS,
4TH MAIN ROAD, RAVINDRANAGAR
T. DASARAHALLI,
BANGALORE CITY - 560 057

...RESPONDENTS

(BY SRI. BPDS ASSTS AND BOPANNA B, ADVOCATE FOR
R1 TO R4,
R5 NOTICE HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28.03.2012 PASSED IN MVC
NO. 559/2008 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL
JUDGE, C.J.M., MOTOR ACCIDENTS CLAIMS TRIBUNAL,
RAMANAGARA, AWARDING COMPENSATION OF RS.
11,02,025/- WITH INTEREST AT 6 PERCENT P.A. FROM THE
DATE OF PETITION TILL THE DATE OF REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K



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ORAL JUDGMENT

The Insurance Company has preferred this appeal against the judgment and award dated 28.03.2012 passed in MVC No.559/2008 by the Addl. Motor Accident Claims Tribunal and Prl. Senior Civil Judge and CJM, Ramanagara (for short, 'the Tribunal') whereby the Tribunal partly allowed the claim petition filed by the original claimant-C.Rajanna and awarded compensation of Rs.11,02,025/- with 6% interest.

2. The brief facts of the case are, on 24.11.2007 at about 07:30 p.m., the original claimant was proceeding as a pillion rider in a motorcycle bearing registration No.KA-02/EP-4634, which was ridden by one Ravi and when they reached near Valegeredoddi gate, due to rash and negligent riding of the rider, he lost control on the motor cycle, due to which, the motorcycle turtled. Due to the impact, the original claimant fell down and sustained injuries all over his body. Thereafter, he was shifted to Govt. General Hospital, Channapatna and from there to NIMHANS Hospital, Bengaluru. As such, he filed a claim petition before the Tribunal claiming compensation for the accidental injuries.



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3. The Tribunal, upon assessment of oral and documentary evidence, partly allowed the claim petition as stated supra. Since, the original claimant died subsequently after passing the judgment and award by the Tribunal, his legal representatives came on record. The said judgment is challenged in this appeal by the Insurance Company.

4. Heard learned counsel for the respective parties.

5. Apart from urging several contentions, learned counsel for the appellant-Insurance Company primarily contented that the Tribunal has grossly erred while allowing the claim petition holding that the accident in question dated 24.11.2007 was occurred, as claimed by the original claimant. According to him, immediately after the accident, the claimant was shifted to Government Hospital at Channapatna, wherein the history of accident was mentioned in the MLC register as "fall from two wheeler". However, after 17 days from the date of accident, a false complaint was lodged by the complainant alleging that the accident was caused due to the rash and negligent riding of the motorcycle. According to him, the Insurance Company was unable to get the MLC register during



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the pendency of the claim petition, however, after passing the judgment and award by the Tribunal, with great difficulty, the Company has secured the same. As such, the Insurance Company filed miscellaneous petition before the Tribunal in Misc.No.8/2013 to review the judgment and award dated 28.03.2012. The said miscellaneous petition was dismissed by the Tribunal on the ground that there is no such reviewing power vested with the Tribunal. Hence, he submits that mere delay in placing MLC register itself does not take away the case of the Insurance Company, as per the settled position of law by this Court in catena of judgments. Further, a frivolous claim petition was filed and a fraud has placed to the Tribunal, the said fact can bring to the notice of the Court at any time. With these submissions, he prays to allow the appeal.

6. Alternatively he contended that, since now the MLC register is readily available, if an opportunity is extended to the Insurance Company to produce the same before the Tribunal by remanding the matter, the Insurance Company is able to produce the same. As such, alternatively he prays to remand



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the matter for fresh consideration of the claim by the Tribunal, by extending opportunity to the parties.

7. *Per contra*, learned counsel for the claimants by supporting the impugned judgment contended that, before the Tribunal, since the Insurance Company has failed to produce MLC register or any other documents or examined any witnesses to the effect that the accident was caused due to "fall from two wheeler", the Tribunal is justified in partly allowing the claim petition. However, he fairly submit that if the Insurance Company is able to produce the MLC register before the Tribunal, he has no serious objection for remanding the matter to dispose the claim petition in a time bound manner by the Tribunal.

8. Having heard the learned counsel for the respective parties and perusal of the documents, it is not in dispute that the Insurance Company has taken a stand before the Tribunal in the original proceedings that the occurrence of accident was caused due to "fall from two wheeler" and not while the original claimant was travelling as a pillion rider. However, the



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Insurance Company has not produced the MLC register or any other documents before the Tribunal to substantiate their contention. Accordingly, the Tribunal passed the impugned award. However, immediately after securing the MLC register, the Insurance Company filed a miscellaneous petition in Misc.No.8/2013 before the Tribunal to review the judgment. In the said miscellaneous petition, the principal contention of the Insurance Company is that fraud was played by the original claimant by suppressing the MLC register. Nonetheless, the Tribunal dismissed the said petition on the ground that there is no reviewing power vested with the Tribunal to set-aside the judgment decided on merits by the same Court. Be that as it may, as the Insurance Company has alleged a fraud in the claim proceedings by the original claimant and now that the MLC register is readily available to produce before the Tribunal, in my considered view, an opportunity could be extended to the Insurance Company and the claimants to produce any document along with the evidence before the Tribunal. Accordingly, the matter requires reconsideration at the hands



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of Tribunal. In that view of the matter, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The judgment dated 28.03.2012 passed in MVC No.559/2008 by the Addl. Motor Accident Claims Tribunal and Prl. Senior Civil Judge and CJM, Ramanagara is set-aside and the matter is remitted back to the Tribunal for fresh consideration.
- iii. The parties are at liberty to lead any further evidence and to produce documents, if any.
- iv. The Tribunal is at liberty to frame any additional issues, if requires to dispose of the case.
- v. The parties shall appear before the Tribunal on **29.10.2026** without expecting any further notice.
- vi. Since the accident is of the year 2007, the Tribunal is requested to dispose of the claim petition at the earliest.



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- vii. Registry is directed to send back the TCR along with certified copy of the judgment to the concerned Tribunal forth with.

The amount in deposit, if any, shall be transmitted to the Tribunal.

Sd/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 19