



CNR: KAHC010404692021

NC: 2026:KHC:37278-DB
M.F.A. No.5975/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.5975/2021 (MV-D)

BETWEEN:

1. SMT. GAYATHRI
W/O ANJINEYALU
AGED ABOUT 32 YEARS.
2. AADAMMA
W/O LATE CHIKKANARASIMHAPPA
AGED ABOUT 76 YEARS.

BOTH ARE R/AT NO.98
BLOCK NO.03, PATHAPALYA
BAGEPALLI TOWN AND TALUK
CHIKKABALLAPUR DISTRICT-562101.

...APPELLANTS

(BY SRI. GURUDEV PRASAD K.T. ADV.,)

AND:

THE MANAGING DIRECTOR
K.S.R.T.C. CENTRAL DIVISION
K.H. ROAD, SHANTHINAGAR
BENGALURU-560027.

...RESPONDENT

(BY SRI. VIJAYA KUMAR D, ADV.,)

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS ON THE FILE OF THE JUDGMENT AND AWARD PASSED BY THE II ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, MACT, AT CHICKBALLAPURA IN MVC NO.18/2015, DATED 19.05.2018, AND SET ASIDE THE JUDGMENT AND AWARD DISMISSING THE CLAIM PETITION THEREBY ALLOW THE CLAIM PETITION BY AWARDED COMPENSATION WITH COURT COST AND INTEREST AGAINST THE RESPONDENTS, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed by the claimants challenging the judgment and award dated 19.05.2018 passed in MVC No.18/2015 by the II Additional Senior Civil Judge and MACT, Chickballapur (for short, 'the Tribunal').



2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. Sri.Gurudev Prasad K.T., learned counsel appearing for the appellants submits that the Tribunal has proceeded to dismiss the claim petition solely on the ground that the claimants have failed to establish their relationship with the deceased Naveen Kumar. It is submitted that the Tribunal has committed an error in appreciating the oral evidence of PW-1, voter ID of the deceased, voter ID of petitioner No.2, SSLC certificate of the petitioner No.1 and the endorsement at Ex.P12. It is further submitted that the claimants have filed an application in I.A.No.2 seeking for production of genealogical tree, ration card, bank passbook, SSLC marks card, residential certificate and bank statement. Though the said application was filed and the Tribunal had taken it on record, no orders were passed on the said application



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CNR: KAHC010404692021

and the claim petition was dismissed without considering those documents. Hence, he seeks to allow the appeal and to remand the matter back to the Tribunal in order to re-consider the claim petition on merits.

4. *Per contra*, Sri.Vijaya Kumar D., learned counsel appearing for the respondent supports the impugned order of the Tribunal and submits that there is a discrepancy with regard to the name of the father of the deceased as to Nagaraj @ Narayanswamy. It is submitted that no cogent or acceptable evidence were placed before the Tribunal to establish the relationship between the claimants and the deceased. Considering the said aspects, the Tribunal has rightly come to the conclusion that the claimants have failed to establish their relationship, which does not call for any interference. Hence, he seeks to dismiss the appeal.

5. We have heard the arguments of the learned counsel for the appellants, the learned counsel for the



NC: 2026:KHC:37278-DB
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CNR: KAHC010404692021

respondent and meticulously perused the material available on record.

6. The point that arises for consideration in this appeal is:

"Whether the impugned judgment and award passed by the Tribunal calls for any interference?"

7. The aforesaid point is answered in the affirmative for the following reasons:

(a) The appellants claiming to be the sister and mother of one Naveen Kumar filed a claim petition seeking compensation for the death of Sri.Naveen Kumar in a road traffic accident that occurred on 06.10.2014. It was averred that the deceased Naveen Kumar was proceeding on his motorcycle bearing registration No.KA-01-EK-6668 near D.B.Halli to Thimmasandara Road, Sidlaghatta Taluk Chickballapur Taluk. At that time, the driver of the bus bearing registration No.KA-04-F-447 drove the bus in a rash and negligent manner and dashed against the



NC: 2026:KHC:37278-DB
M.F.A. No.5975/2021

CNR: KAHC010404692021

motorcycle of the deceased as a result of which, the deceased fell down, sustained grievous injuries and succumbed to the same. It was further averred that the deceased was aged about 20 years at the time of accident and was doing BESCOM work as well as agricultural activities and used to earn Rs.15,000/- p.m.

(b) The respondent-Corporation opposed the claim petition by filing a detailed written statement denying the claim averments. The Tribunal framed the issues and recorded the evidence of the parties. The claimant No.1 examined herself as PW-1 and got marked Exs.P1 to P12. The respondent examined one Narayanaswamy as RW-1 and got marked Exs.R1 to R3. The Tribunal, on appreciation of the oral and documentary evidence, proceeded to reject the claim petition on the ground that the claimants have failed to establish their relationship with the deceased Naveen Kumar. It is to be noticed that in order to prove the claim petition, the claimants have



NC: 2026:KHC:37278-DB
M.F.A. No.5975/2021

CNR: KAHC010404692021

produced the investigation material to indicate that there was negligence on the part of the driver of the bus. In order to prove the relationship, income and vocation of the deceased, the claimants have produced Exs.P6 to P8 and P12. The aforesaid documents are the voter ID of the deceased, voter ID of the petitioner No.2, SSLC certificate of the petitioner No.1 and endorsement. The Tribunal, considering the said documents has come to the conclusion that the claimants have failed to produce any acceptable evidence to prove their relationship.

(c) It is required to be noticed that in addition to the marked documents, the claimants have filed an application in I.A.No.2 for production of additional documents. There is reference in the order sheet dated 12.04.2017 with regard to the filing of the application. A perusal of the application indicates that the claimants intend to produce genealogical tree, ration card, bank passbook, SSLC marks card, residential certificate and



CNR: KAHC010404692021

bank statement in 4 sheets. The impugned judgment and award of the Tribunal does not make any reference of these documents. It is not forthcoming from the record whether this application was allowed and these documents were taken on record and marked as exhibits.

(d) In the absence of any such clarity with regard to the marking of these documents or consideration of these documents, we are of the view that it would be appropriate to remand the matter back to the Tribunal with a direction to re-consider the claim petition of the claimants by providing an opportunity to the claimants to produce the documents sought to be produced in I.A.No.2. Hence, we proceed to pass the following:

ORDER

- (i) The appeal is ***allowed-in-part***.
- (ii) The impugned judgment and award dated 19.05.2018 passed by the Tribunal in MVC No.18/2015, is set aside.



**NC: 2026:KHC:37278-DB
M.F.A. No.5975/2021**

CNR: KAHC010404692021

- (iii) The matter is remanded back to the Tribunal with a direction to provide sufficient opportunity to both the parties to adduce evidence and thereafter, pass appropriate orders.
- (iv) The parties shall appear before the Tribunal on 12.08.2026.

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

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

RV
List No.: 1 Sl No.: 9