



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 8181 OF 2017 (MV-D)

BETWEEN:

1. THOPAMMA
W/O LATE DEVEGOWDA,
AGED ABOUT 64 YEARS,
2. RANGA
S/O LATE DEVEGOWDA,
AGED ABOUT 32 YEARS,
3. ASHOKA
S/O LATE DEVEGOWDA,
AGED ABOUT 34 YEARS,

ALL APPELLANTS ARE R/AT
UPPARA KOPPALU VILLAGE,
KASABA HOBLI, ARKALGUD TALUK,
HASSAN DISTRICT-573 201.

...APPELLANTS

(BY SRI. GIRISH B BALADARE., ADVOCATE)

AND:

1. THE MANAGER
NATIONAL INSURANCE CO.LTD.,
MANJUNATHESHWARA COMPLEX,
BUS STAND ROAD,
HASSAN-573 201.
2. UMESH CHANDRA B R
S/O RANGEGOWDA B R
AGED ABOUT 32 YEARS,

Digitally signed
by
PADMA SREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



R/AT LIC AGENT,
BARAGURU VILLAGE,
DODDAMAGGE HOBLI,
ARKALGUD TALUK,
HASSAN DISTRICT-573 201.

3. G S KUMARA
S/O SWAMYGOWDA
AGED ABOUT 35 YEARS,
R/O GANJALAGUDU VILLAGE,
KASABA HOBBI, ARKALGUD TALUK,
HASSAN DISTRICT-573 201.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL., ADVOCATE FOR R1,
R2 AND R3 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:06.06.2017 PASSED IN MVC
NO.1667/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE, &
MEMBER, MACT, ARKALGUD, DISMISSING THE CLAIM
PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellants/claimants under
Section 173(1) of Motor Vehicles Act, 1988 to set aside the
judgment and award dated 06.06.2017 passed in
MVC No.1667/2013 on the file of the Senior Civil Judge &
MACT, Arkalgud, and enhancing the compensation.



2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.1. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. One Ravi met with an accident on 05.2.2013 and filed claim petition claiming compensation of Rs.6,00,000/-. The tribunal considered the entire evidence on record, dismissed the application. Aggrieved by the said order, they preferred this appeal and mainly contended that they filed the application before the Tribunal under Section 163A of MV Act, as such they need not prove the negligence. The Tribunal dismissed the application on the ground that he himself was driving the motorcycle by consuming alcohol. As such, the accident occurred only due to his negligence. Accident occurred on 05.02.2013 and Ravi died on 11.02.2013. The complaint was given on 11.02.2013, delay is rightly



explained. Under 163A of the MV Act, that the claimant need not plead and prove, 'wrongful act' or 'neglect' or 'default' of the owner of the vehicle. In the MLC register, if the information is given by third parties/by an unknown person, it need not be relied upon. The deceased was aged 27 years and his mother and sister are depending on him. Therefore, requested to set aside the order.

4. The manner of accident shows, while Ravi along with his friend was proceeding on a motorbike bearing the Reg.No.KA-13/W-7945 he lost control over the motorcycle, fell down on the road and sustained greivous injuries. On the same day, he was shifted to Government Hospital from there to NIMHANS Hospital, but he died as an inpatient on 11.02.2013 and later complaint was given.



5. Insurance Company in their written statement contended that motor bike was insured with the 3rd respondent and at the time of accident, the driver of the motor vehicle was carrying effective valid driving license and respondent No.3 is liable to pay compensation. Whereas respondent No.3 contended that the deceased himself was driving the motor vehicle at the time of accident and he cannot claim. It is not a case of death of 3rd party and it will not come within the definition of 3rd party, he has no valid driving license and has not complied the statutory obligation. He had self fall from the two wheeler under the influence of alcohol, as such they are not liable for any compensation.

6. The tribunal considered argument of both sides and also relied upon several citations and discussed the issue at length and rightly dismissed the 1petition on the ground, that he himself was driving



the motor cycle negligently under the influence of alcohol and it is case of self fall. This court finds no reason to interfere with the judgment and award of tribunal.

In the result, the appeal is ***dismissed*** confirming the award of tribunal.

**Sd/-
(P SREE SUDHA)
JUDGE**

AKV
CT:NR
List No.: 1 SI No.: 76