



R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5246 OF 2014 (MV-D)

BETWEEN:

1. SRI.MUDDAPPA
S/O LATE MARAPPA,

SINCE DECEASED HIS LR'S

1(A). SMT. PUTTATHAYAMMA,
W/O LATE MUDDAPPA,
AGED ABOUT 73 YEARS,

1(B). SRI SOMASHEKHAR
S/O LATE MUDDAPPA,
AGED ABOUT 55 YEARS,

ALL ARE R/O AT NO.42,
R. LANE, C.R. POLICE QUARTERS,
SIRSI CIRCLE, MYSORE ROAD,
BANGALORE - 560 026.

...APPELLANTS

(BY SRI. SURESH M LATUR., ADVOCATE)

AND:

1. SRI. JAGADISH
S/O SRI CHIKKAVEERAIHAH,
R/O NO.R-42, POLICE QUARTERS,
MYSORE ROAD,
BANGALORE - 560 026.
2. THE REGIONAL MANAGER
ORIENTAL INSURANCE CO.LTD,

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI
Location: High
Court of
Karnataka



NC: 2026:KHC:35861
MFA No. 5246 of 2014

NO.44/45, LEO COMPLEX,
RESIDENCY ROAD,
BANGALORE – 560 025.

3. S.C PARASHIVA MURTHY
S/O SRI CHINNABASAPPA,
R/O ULLAS STORE,
M.G.MARKET, ROBERTSON PET,
K.G.F, KOLAR DISTRICT-563 101.
4. THE REGIONAL MANAGER
UNITED INDIA INSURANCE CO.LTD,
NO.25, SHANKARNARAYANA BUILDING,
M.G. ROAD, BANGALORE – 560 001.
5. SMT. SWETHA
W/O R. JAGADISH,
RAILWAY CONTRACTOR,
NO. 6/107, SRI KRUPA NILAYA,
SHIVALLI POST,
NEAR RAILWAY STATION,
UDUPI TALUK & DISTRICT

...RESPONDENTS

(BY SRI. H C VRUSHABHENDRAIAH., ADVOCATE FOR R2,
SRI. D. VENUGOPAL, ADVOCATE FOR R3,
SRI. P.B. RAJU, ADVOCATE FOR R4,
R5 SERVED AND UNREPRESENTED,
V/O DTD:05.06.2018 SERVICE OF NOTICE TO R1 IS H/S)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 7.12.2013 PASSED IN MVC
NO.2288/2004 ON THE FILE OF THE VI ADDL. SMALL CAUSES
JUDGE & XXXI ACMM, BANGALORE, DISMISSING THE CLAIM
PETITION FOR COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON
07.07.2026 COMING ON FOR PRONOUNCEMENT OF JUDGMENT
THIS DAY, **P SREE SUDHA J.**, DELIVERED THE FOLLOWING:
CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



CAV JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 7.12.2013 passed in MVC No.2288/2004 on the file of the VI ADDL. Small Causes Judge & XXXI ACMM, Bangalore, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondents. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. One Muddappa met with an accident on 22.08.2003 and sustained injuries. Later he died on 14.09.2004 and hence his wife and children filed claim petition claiming compensation of Rs.15,00,000/-. The Tribunal considering the entire evidence on record dismissed the application.



4. Aggrieved by the said order they preferred this appeal. It is mainly contended that the injured sustained fracture injuries on 22.08.2003 and succumbed to the injuries on 14.09.2004. He was aged 55 years, working as a painter and earning Rs.5,000/- per month. Ex.P1 is the FIR given by the driver of the offending vehicle i.e. autorikshaw in which three other persons were travelling along with him and they sustained injuries. Ex.P8/MLC extract and Ex.P9/Case sheet are not considered by the Tribunal. Though petitioner stated that both respondent Nos.2 and 4 admitted the occurrence of the accident, but, tribunal dismissed the claim petition erroneously. PW3/doctor stated that he died because of septicemia. PW2 is an eye witness. His evidence is not considered.

5. Learned counsel for respondent No.2 stated that there is no dispute regarding accident and death. The insurer of the autorikshaw contended that as per the mahazar, autorikshaw was parked on the left side of the road and Tata Sumo was on the middle of the road with



the damage to the headlight on the right side of it. The police filed charge sheet against the driver of the Tata Sumo. The policy was issued in favour of autorikshaw. But it was issued in favour of Mr.Ghouse Pasha and not in favour of first respondent Jagadeesh. There is no negligence on the part of driver of the autorikshaw.

6. Learned counsel for the respondent No.4 also stated that valid policy was issued to transfer Tata Sumo. He stated that it is unbelievable that petitioner has chosen to travel in an autorikshaw for such a long distance of 50 kilometres. He do not know whether driver of the autorikshaw had any valid driving licence or not. Accident is self-inflicted, for which Tata Sumo is no where responsible. The Sketch mahazar prepared by police clearly shows negligence of autorikshaw driver. Therefore, he is not liable to pay the compensation.

7. The wife of deceased is examined as PW1 and filed Exs.P1 to P6 and she is not an eye witness to the occurrence of the accident. She stated that her husband



sustained injuries to the right leg. He sustained three fracture injuries to the right leg. One year after the accident he died. But the body was not subjected to post mortem. It was also stated that one R.Hanumanthachari treated him as an outpatient. However, after 367 days from the date of accident, he collapsed. So it was denied that Mudappa died due to the injuries sustained in the accident.

8. Respondent No.1 examined the Administrative Officer as RW.1 and he strongly contended that there is no nexus between accidental injuries and death of Muddappa. It is also observed that charge sheet is not produced to know the negligence of the driver of any of the vehicle. PW3 stated that the cause of death as Septicemia with bilateral pneumonial myocarditis resulting in cardio respiratory failure as a result of multiple injuries sustained in the road traffic accident.

9. In the course of cross examination, PW3 stated that he has not maintained any registers. Ex.P2/doctor



certificate issued by him is not in his letter head. He further stated that Muddappa came to his clinic for high fever and pain all over the body and he treated him for fever, higher heartbeat and respiratory distress. He also stated that without post mortem report, he cannot state the cause of death. It is further stated that second charge sheet for an offence under section 304-A of IPC is not filed by the police. It was suggested due to the injury sustained in the accident, it might have led for amputation of the right leg, but it would not have caused death. There were no police records or post mortem. Accordingly, the tribunal had dismissed the application.

10. Learned counsel for respondent relied upon citations as follows,

(1) ***AIR 2025 SCC 4071*** in case of ***Haseena and Ors Vs United India Insurance Co. Ltd., and Anr*** in which it was held as "*Mere 'proximity' of accident to death was not sufficient to establish direct causal link. Even preponderance of probability was not found. In*



absence of conclusive evidence to prove such nexus, High Court had rightly considered claim for injuries but rejected claim for compensation for death."

(2) In **MAC App.No.135/2015** dated 03.08.2022 passed by High Court of Gauhati in case of **Sarala Deka Vs Dippen Chandra Das**, wherein it was held that "*if a person is seriously injured in an accident and is taken to a hospital where due to negligence on the part of the hospital authority, such victim is infected with tetanus, and ultimately dies of tetanus, in such a situation, although the cause of death is not actually the accident but infection of tetanus due to negligence of the hospital, it should be presumed that death occurred as a consequence of accident*

(3) Also relied upon the judgment of the contemporary bench in **MFA No.6051/2014** dated 17.10.2022 in case of **Arun Kumar @ Kumar Vs V.K.Kumar and Anr** in which it was stated that there is no record to show that he was under continuous treatment for a period of 14 months. As such, the finding of the tribunal in dismissing the application on the ground that



there is no nexus between cause of death and injury sustained by the injured, is proper.

(4) Respondent also relied on **MFA 3525/2013** of the coordinate bench of this court dated 28.11.2019 in which it is stated that the appeal filed seeking compensation for the injured claimant on the ground that her death is due to injury suffered in the accident, cannot be accepted. But she is entitled for medical expenses.

(5) Further, relied upon the citation in **(2016) 4 SCC 172** between **Uttar Pradesh State Road Transportation Corporation Vs Mamta and ors** in which it is stated as below,

"The first appeal is a valuable right and the parties have a right to be heard both on questions of law and on facts and the judgment in the first appeal must address itself to all the issues of law and fact and decide it by giving reasons in support of the findings."

11. Respondent also filed the order of IA application to bring the LRs on record. The evidence of the



doctor/PW2 was observed as suspicious and also stated that there is no nexus between injury caused and death of the deceased and accordingly the said application was dismissed.

12. Admittedly the claimants herein are legal heirs of the injured who met with an accident on 22.08.2003 and he died 387 days after the accident, more than 1 year i.e., on 14.09.2004. Therefore, it is for the legal representatives to establish that there was nexus between the injuries sustained in the accident and the death. Doctor clearly stated that he was admitted in hospital with fever and pain all over the body. Though he stated that he was treating him as an outpatient, he has not filed any other report and the letter issued under Ex.P2 is not on his letterhead. After the death, no post mortem is conducted and the charge sheet is also not filed, converting the same under Section 304A of IPC, as to why the petitioner has not filed a case claiming compensation of injuries immediately after the accident, is not explained anywhere.



It is not the case initially filed for compensation for the injuries sustained by the claimant. Later when he died during the course of proceedings, the LR's were brought on record. This case is filed by legal heirs only after his death, claiming compensation. The doctor stated the cause of death as mentioned under Ex.P2. He actually sustained a fracture of mid-shaft right femur and fracture of right tibia and fracture of mid-shaft of right fibula. Learned counsel for respondent argued, at the best, the injury should have led to amputation, but not to the death. Therefore, Tribunal rightly considered all the aspects and dismissed the application.

This Court finds no reason to interfere with the order.

Accordingly, this appeal is hereby **dismissed**.

Sd/-
(P SREE SUDHA)
JUDGE