



CNR: KAHC010533832026

NC: 2026:KHC:41754
WP No. 24332 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.24332 OF 2026 (GM-AC)

BETWEEN:

GO DIGIT GENERAL INSURANCE LTD,
BRANCH OFFICE, ATLANTIS 95,
45TH 'B' CROSS ROAD,
KORAMANGALA INDUSTRIAL LAYOUT,
5TH BLOCK, BENGALURU - 560 095.
REP. BY ITS MANGER LEGAL CLAIMS,
COMPANY REGISTERED UNDER
COMPANIES ACT, 1938

...PETITIONER

(BY SRI. MURALIDHARA.N., ADVOCATE)

AND:

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

1. SMT.ARPITHA K G,
W/O LATE ARUNKUMAR D,
AGED ABOUT 30 YEARS,
2. AARUNYA ARUNKUMAR,
D/O LATE ARUNKUMAR D,
AGED ABOUT 07 YEAR,
(MINOR REP. BY HER NATURAL GUARDIAN
MOTHER - SMT.ARPITHA K G- RESPONDENT NO.1)
3. SMT. CHANDRAMMA,
W/O DEVARAJU B C,



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AGED ABOUT 66 YEARS,

4. SRI. DEVARAJU B C,
S/O LATE CHANNAPPA,
AGED ABOUT 72 YEARS

ALL ARE RESIDING AT,
BELADHARA VILLAGE AT POST,
KORA HOBLI, TUMAKURU TALUK,
KARNATAKA 572 106.

5. SRI. VIJAY SHIVANAND GANGANAVAR,
S/O SHIVANAND,
AGED ABOUT 38 YEARS,
R/AT. MALTESH, GUTTAL,
HAVERI DISTRICT - 581108.

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, QUASHING THE IMPUGNED ORDER DATED 23.07.2026 PASSED ON I.A. NO. IV IN M.V.C. NO. 1613/2024 BY THE LEARNED VII ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU (PRODUCED HERewith AS ANNEXURE -E AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Issuance of notice to respondents is dispensed with in view of the proposed order to be passed.
2. Petitioner is before this Court seeking for the following reliefs:

" (a) Issue a Writ of Certiorari or any other appropriate Writ, Order, or Direction, quashing the impugned order dated 23.07.2026 passed on I.A. No. IV in M.V.C. No. 1613/2024 by the learned VII Additional District & Sessions Judge, Tumakuru (produced herewith as ANNEXURE-E);

(b) Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, allowing I.A.No.IV filed by the Petitioner in M.V.C.No.1613/2024 as per Annexure-C dated 1.7.26 and directing the learned VII Additional District & Sessions Judge, Tumakuru, to permit the Petitioner to issue summons to the witnesses as prayed for in the said application;

(c) Direct the learned VII Additional District & Sessions Judge, Tumakuru, to afford a reasonable opportunity to the Petitioner to adduce its evidence and establish its defence on merits in M.V.C. No. 1613/2024, prior to final adjudication; and

(d) Pass such other Writ, Order, or Direction as this Hon'ble Court deems fit and proper under the facts and circumstances of the case, in the interest of justice and equity."



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3. The respondents have filed a proceedings under Section 166 of the Motor Vehicles Act, 1989, which came to be registered as MVC.No.1613/2024 seeking for compensation on account of the accident which occurred on 22.10.2024, wherein the death of the husband of claimant No.1, father of claimant No.2 and son of claimant Nos.3 and 4 occurred. Notice having been issued, respondents have entered appearance, the claimants have led their evidence and the matter was posted for evidence of the Insurance Company on several occasions. Thereafter, I.A.No.IV had been filed by the Insurance Company seeking for a direction to the Superintendent of Police to produce the Call Detail Report ('CDR' for short) with latitude and longitude of the mobile number of the driver of the vehicle insured by the petitioner in the said accident.
4. The claim made by the Insurance Company was that the said driver was not at that location at that point of time and it is for that reason that the CDR is required to establish that he was not so present to be involved in the



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said accident. The said application came to be rejected on 23.07.2026. Firstly taking note of the fact that the matter had been posted for evidence of respondent No.2 - Insurance Company therein on several occasions earlier and on 01.07.2026, evidence of respondent No.2 was taken as nil and it is only thereafter, that the application in I.A.No.IV had been filed. The M.A.C.T., came to a conclusion that respondent No.2 therein i.e., the petitioner herein was unnecessarily delaying the proceedings.

5. Initially, objections were not filed to the main petition and hence, objections were taken as not filed. When the case was posted for further chief of PW.1, it is at that time the objections to the main petition was filed, which was allowed to be taken on record. Thereafter, additional issues were filed. The evidence of the claimants was completed, respondent No.2 did not furnish any list of witnesses and did not adduce any evidence, subsequently, filed I.A.No.IV and on that basis, the application was dismissed by imposing Rs.1,000/- as



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cost. It is challenging the said order, the petitioner - Insurance Company is before this Court.

6. The submission of Sri. Muralidhara N., learned counsel for the petitioner is that the CDR is very important document, which is required to be secured under the Indian Telegraph Act, 1885, the said details are only available for a period of two(2) years and it is for that reason that there is immediate requirement to secure the CDR.
7. Even if the said submission of petitioner would be accepted, who is respondent No.2 in MVC proceedings, the said MVC proceedings being one for compensation on account of death of husband of claimant No.1, father of claimant No.2 and son of claimant Nos.3 and 4, it was required for the Insurance Company to have acted with alacrity, more so when even according to the petitioner, the information is available only for a period of two(2) years. Instead of acting with alacrity, the actions on the part of the Insurance Company have been one of delay and procrastination. Inasmuch as firstly, objections were



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not filed on time and it was taken as not filed. Thereafter, the objections were filed. Secondly, it is only after the evidence of respondent No.2 was taken as nil that the present application was filed.

8. The above actions on part of the Insurance Company do not establish any diligence, in fact, they establish to the contrary. The conduct of the Insurance Company in the present proceedings for compensation in an accident matter when a person has expired, is required to be deprecated and is so deprecated by this Court in uncertain term. Recall of an order is normally allowed when there is some due diligence expressed and available to be seen from the records.
9. In the present case, the Insurance Company has only been delaying the proceedings which does not require the exercise of any discretionary powers. Hence, though the learned counsel for the petitioner contends that an opportunity be provided to the petitioner and the petitioner would lead its evidence at the earliest, this Court is of the considered opinion that the past actions of



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the Insurance Company do not inspire any confidence requiring any discretionary power to be exercised.

10. Accordingly, the Writ Petition stands ***dismissed*** by imposing further cost of Rs.25,000/- payable to the claimants in MVC.No.1613/2024 within a period of fifteen(15) days from the date of receipt of a copy of this order.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

PHM
List No.: 1 Sl No.: 22