HC-KAR

NC: 2026:KHC:60185
MFA No. 1926 of 2015

CNR: KAHC010207372015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.1926 OF 2015(MV-D)

BETWEEN:

1. SMT. RAJAMMA @ RAJASHREE
   W/O LATE NARAYANAPPA
   AGED ABOUT 38 YEARS

2. MASTER HARISH KUMAR
   S/O LATE NARAYANAPPA
   AGED ABOUT 21 YEARS.

3. SUNIL
   S/O LATE NARAYANAPPA
   AGED ABOUT 19 YEARS

   ALL ARE R/AT NO.441
   VADRAHALLI, THYSAMBALL HOBLI
   GENRALLI POST
   BANGARPET TALUK,
   KOLAR DISTRICT - 563 114.

...APPELLANTS

[BY SRI HARISH BABU K.N., ADVOCATE]

Digitally signed by ANUSHA V
Location: High Court of Karnataka

AND:

THE MANAGING DIRECTOR
CENTRAL OFFICE, K.S.R.T.C
K.H. ROAD, SHANTHI NAGAR
BANGALORE - 560 027.

...RESPONDENT

[BY SRI SHAHU MAHARAJ K.S., ADVOCATE FOR
SRI B.L.SANJEEV, ADVOCATE]

CNR: KAHC010207372015

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.06.2010 PASSED IN MVC NO.8491/2007 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES, PRINCIPAL MACT, BANGALORE, DISMISSING THE PETITION.

THIS APPEAL, COMING ON FOR *FURTHER DICTATION*, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging order dated 30.06.2010 passed by Member, MACT, Bengaluru (CCH-17) ('**Tribunal**') in MVC no.8491/2007 dismissing it, this appeal is filed.

2. Sri KN Harish Babu, learned counsel for appellant submits that appeal was by claimant challenging dismissal of claim petition.

3. Brief facts leading to this appeal as per claimant were that at 10:45 am on 09.08.2006 when Narayanappa was a pillion rider in motorcycle no.KA-08/J-3437 proceeding on KGF - Bangarpet road, driver of KSRTC Bus no.KA-07/F-664 drove it in rash and negligent manner and it dashed against motorcycle leading to death of Narayanappa on spot. Claiming

compensation, his wife and children filed MVC no.8491/2007 under Section 163A of Motor Vehicles Act, 1988 ('**MV Act**').

4. On appearance matter was being proceeded with. In course of cross-examination, claimant was confronted with suggestion about two other claim petitions filed by very same claimants in respect of same accident against KSRTC. Taking note of same, claim petition was dismissed on 30.06.2010. It was submitted that though suggestion about claimants having filed two other claim petitions were not disputed, other claim petitions were not pursued and were dismissed. In view of above, there would be no impediment for claimants in pursuing present claim petition. Therefore, dismissal of claim petition would not be justified. On said grounds for setting aside of impugned order and for remand of matter.

5. On other hand, Sri Shahu Maharaj K.S., learned counsel appearing for Sri B.L. Sanjeev, advocate for respondent would oppose appeal.

6. Heard learned counsel, perused impugned judgment, award and material on record.

7. This appeal is by appellants - claimants challenging order dismissing claim petition on ground of multiple claim petitions having been filed. Only point that would arise for consideration is:

> *"Whether dismissal of claim petition on ground of filing multiple claim petitions would be justified?"*

8. While position in law about non-maintainability of multiple claims is well settled, it would however be unjustified to dismiss all claim petitions. It would have been appropriate for Tribunal to have allowed option to claimants to pursue any one of them. In instant case, failure to provide of such option would render impugned order unsustainable. Though learned counsel for appellants - claimants has sought to produce documents about status of other claim petitions, instead of taking said material on record in appeal, it would only be appropriate to permit claimants to produce documents before Tribunal to show that claimants are pursuing only one claim petition, consider claim petition on merits and pass appropriate orders. At same time, however due to non-disclosure of multiple claim petitions, non-exercising of option by claimants

had led to passing of impugned order and even this appeal is pending for no less than 11 years. Therefore, it would not be just to burden respondent with interest for no fault.

9. In view of above, following:

ORDER

i. Appeal is ***allowed***, impugned order dated 30.06.2010 passed by Tribunal in MVC no.8491/2007 dismissing claim petition is ***set aside***.

ii. Matter is remitted back to Tribunal for providing opportunity to claimants to disclose about all claim petitions filed by them along with option to pursue any one of them. In case, claimants make a true disclosure and opt for pursuing instant claim petition and other claim petitions having been dismissed as not pressed, Tribunal would permit claimants to lead evidence and on consideration of same, pass appropriate award.

iii. Since both parties are represented, it would only be appropriate to direct them to appear before Tribunal on **14.12.2026** to expedite early conclusion.

iv. Parties shall appear before Tribunal without receipt of fresh notice.

v. Registry to communicate this order to Tribunal well before said date.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 10