

MVC No. 34/2021

IN THE COURT OF THE SENIOR CIVIL JUDGE &  
JMFC COURT AT HUNGUND

**PETITIONERS** : Smt. Shavakka W/o Sangappa  
Meti and another

**Versus**

**RESPONDENTS** : 1) Sanganabasappa S/o Sanganna Badawadagi ,  
since deceased by his LR's

**OBJECTIONS TO MAIN PETITION**

Herein, the respondent No. 1(a) to 1(c) begs to file  
the objection to the Main Petition as under :

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1. That the contents of the petition as against these respondents is false frivolous and vexatious and the same is not tenable in laws and on facts. Hence these respondents not admits the same.
2. That the averments made in column No. 1 to 22 of the petition are false and denied by these respondents. The petitioners be put to strict proof of the said averments.
3. The respondents further deny the contents of para 22 a) to the effect that " That, on 27-03-2020 at about 5.00 PM the deceased along with his mother Smt. Shavakka W/o Sangappa Meti had been to their land situated towards Inam Budihal village from Chikkamaagi village on motorcycle bearing its Regd. No. KA-29/EF-6962; the deceased was riding his motorcycle with moderate speed and by following traffic rules, when they came near Muttanna Bagewadi's land at that time the driver of tractor No. KA-29/TB-3425 and Trailer No. KA-29/TB-3426 came

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from kaccha road situated beside the land of Muttanna Bagewadi without following any of the traffic rules and with rash and negligent manner and dashed to the motorcycle of the deceased. Due to the said accident deceased fell down on the motor cycle and sustained grievous head injury and injury all over the body and he was immediately shifted to Dr. Kerudi Hospital, Bagalkot. The deceased was admitted in the said hospital as indoor patient and taken treatment about 25 days. But due to grievous head injury he was died on the said hospital during the course of treatment i.e. on 20-04-2020. The petitioners have spend Rs. 8,00,000/- for medical treatment and other expenditure of deceased" are false, frivolous and vexatious in nature as such specifically and categorically denied by these respondents and the petitioners be put to strict proof of the same.

4. The further contents of the petition to the effect that " Thereafter the PM of deceased was conducted at District Hospital Ameengad, after conducting the P.M the body of deceased handed over to the petitioners and petitioners brought the body and conducted funeral ceremony as per their religious and customs and spent Rs. 35,000/- for the same " are false, frivolous and vexatious in nature as such specifically and categorically denied by these respondents and the petitioners be put to strict proof of the same.

5. The further contents of the petition to the effect that " at the time of accident the deceased was aged about 19

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years only and was hale and healthy person. The deceased was doing agriculture work own land and he was growing commercial crops and earning income of Rs. 10,00,000/- P.A. That the family of the deceased was depending on the earnings of the deceased and was leading happy life in the society during his life time. That due to the unexpected death of son of these petitioners, now they are leading very miserable life and unexpected death of earning and elder member of the family caused mental shock and agony to the petitioners and the petitioners have lost their only son. Now the petitioners have lost their wall of family and lost sources of income of the deceased. Hence now the life of the petitioners has been put into darkness and has been put into darkness and has to face financial crisis." are all false and this story created by the petitioners, hence the petitioners be put to strict proof of the same.

6. But the truth of the matter is that the deceased was riding the motor cycle without driving license, in the wrong side by rash and negligently in a very high speed and dashed to the Tractor who was just turning in a moderate speed which is clearly mentioned in the spot panchanama of the accident and photographs produced. Further in the re-statement of the complainant /eye witness i.e. Petitioner No. 2 who was the pillion rider at the time of accident have admitted that the deceased was riding the motor cycle in a very high speed and the accident was caused by the negligence of rider of the motor cycle

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himself. Hence the petition be dismissed and these respondents are not liable to pay any amount of compensation to the petitioner.

7. Further as per the MV Report there is no damage to the Tractor inspite of the accident, which clearly shows that the Tractor was not involved in the accident. On this ground the petition is liable to be dismissed with costs.

8. It is submitted that the amount of compensation claimed by the petitioners is too exorbitant and claimed baseless. Hence on this count alone the petition is liable to be dismissed.

Therefore, it is prayed that the petition filed by the petitioners against this respondent No. 1(c) may kindly be dismissed with heavy costs, in the interest of justice and equity.

R.M. 1(a), M.S. Budawadagi

R.M. 1(b), S.S. Wadawadagi

R.M. 1(c), N.S. Paudyal

Place: Hungund

Date: 06-06-2022

Respondents  
1(a) to 1(c)

In this the respondent No. 1(c), further state and verify the contents of above objections are true and correct to the best of my knowledge and belief and this is my true name and signature.

R.M. 1(a), M.S. Budawadagi

R.M. 1(b), S.S. Wadawadagi

R.M. 1(c), N.S. Paudyal

Respondents

Place: Hungund

Date: 06-06-2022

(M.B. Ronad)

Advocate for Respondents

only

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