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**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND ADDL.MACT, AT SHIGGAON SITTING AT
SAVANUR**

DATED THIS THE 27th DAY OF JUNE 2026

Present: Sri. Sunil S. Talawar
B.A.LLB., (Spl.)
Senior Civil Judge &., Member
Addl. MACT, Shiggaon Sitting
At Savanur.

M.V.C.No. 1215/2021
AND 1216/2021

In M.V.C.1215/2021:

- Petitioners:** 1. Smt.Saraswati W/o Umesh
Langoti,
Age: 46 Years, Occ: Household,
2. Kumari Bhavya D/o Umesh
Langoti,
Age: 24 Years, Occ: Household,

Both are R/o Mantagani,
Tq: Savanur, Dist: Haveri.

In M.V.C.1216/2021:

Petitioner: Smt.Saraswati W/o Umesh
Langoti, Age: 46 Years,

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Occ: Household,
R/o Mantagani Tq: Shiggaon,
Dist: Haveri.

**(By Sri.B.S.Jogannanavar, Advocate
for all petitioners)**

Vs.

M.V.C.Nos. 1215/2021 AND 1216/2021

Respondents:

1. Premanathagouda S/o
Virupaxgouda Patil,
Age: 44 Years, Occ: owner of
vehicle bearing registration
No.KA-27/EA-8849,
R/o Havanagi, Tq: Hanagal,
Dist: Haveri.
2. The United India Insurance
Company Ltd., R/by Branch
Manager, Haveri, Moktali
Building, Opp.KSRTC Bus
stand, Hanagal road, Haveri,

Policy No.2403023118P111452219
From 06.12.2018 to 05.12.2019

**(By Sri.P.R.K.,Advocate for R.1)
(By Sri. N.Devaraj., Advocate for R.2)**

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Date of Institute of petitions : 20.11.2021

Nature of petition : Grant of compensation

Date of commencement of recording the evidence : 15.07.2023

Date on which judgment was pronounced : 27.06.2026

Total Duration : Yr/s Month/s Day/s
04 07 07

(Sunil S. Talawar)
Senior Civil Judge & Member
Addl.MACT, Shiggaon Sitting
At Savanur.

: COMMON JUDGMENT :

The petitioners have filed these petition **U/Sec.166 of Motor Vehicles Act 1989** seeking compensation of Rs.42,00,000/- in MVC No.1215/2021 on account of death of Umesh S/o Basavantappa Langoti and seeking compensation of Rs.8,00,000/- in MVC No.1216/2021 who had

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sustained injuries in road traffic accident on 08.01.2019 at about 7:00 P.M., on Havanagi-Balambeed Road, near the land of Naveen Hebbal.

2. Brief facts of petitioners case in MVC No.1215/2021 is discussed as here under: On 08.01.2019 at about 7.00 pm Umesh S/o Basavantappa Langoti was riding his motor cycle bearing Reg No.KA-51/EL-7643 from Havanagi towards his native place Mantagani on Havanagi-Balambeed road. His wife Smt Saraswati i.e., petitioner in MVC No.1216/2021 also traveling in the said motor cycle as pillion rider. Umesh gone to his sister's house at Havanagi and he was returning from Havanagi towards Mantagani on Havanagi- Balambeed road and they came near to the land of Naveen Hebballi ,at that time the driver of respondent No.1 came from opposite side with rash and negligent manner without following the traffic rules dashed to Umesh Langoti's motor cycle and caused horrible accident, due to the said accident Umesh Langoti sustained grievous injury to his head and fracture of frontal bone and injury

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to his right ear and injury to the right knee, right leg, left leg. Immediately, after accident he had taken treatment in Govt Hospital, Haveri on 08.01.2019. Again he had taken the treatment on 09.01.2019 and on 11.01.2019 approached the Devichandra Nursing Home Haveri regarding severe headache. Thereafter, he had taken treatment in Dr. Sherashah Kammar Hubali on 12.01.2019. Thereafter, said Umesh had taken the treatment in KIMS Hospital Hubli on 13.01.2019. Thereafter, he admitted to SDM Hospital Dharwad on 17.01.2019 and 21.01.2019 and had taken the treatment in the said Hospital. Thereafter, deceased has admitted in Suchirayu Hospital Hubballi and admitted as indoor patient from 28.01.2019 to 31.01.2019 and taken the treatment in the said Hospital.

3. Thereafter, deceased admitted in KLE Hospital Belagum from 31.01.2019 to 12.02.2019 as indoor patient and Doctor operated his head and given the treatment. Till his death deceased was continuously under the treatment in different

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Hospital as outdoor patient for the injuries sustained in the road traffic accident. Doctor expressed that, due to the fracture of frontal bone and head injury there is no possibility saving the life. Hence, deceased continuously taken the treatment as outpatient and died in the house on 05.12.2019. Death is only to the injury sustained in the above said road traffic accident.

4. Prior to the accident deceased was hale and healthy and he was doing grocery business and also maintaining the maize peeling machine and having monthly income of more than 50,000/-. Petitioners spent more than Rs.5,00,000/- for treatment in different Hospitals. Petitioners are depending upon the income of deceased. Due to his death petitioner No.1 lost her husband in her young age and petitioner No 2 has lost the love and affection of their father. Adur Police have filed charge sheet before the death of Umesh Langoti against the respondent No.1. Respondent No.1 is the owner and respondent No.2 is the insurer of the said vehicle. Hence, respondent No.1 and 2 are

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jointly and severally liable to pay the compensation of Rs.42,00,000/-(Forty two lakhs) to the petitioners.

5. Brief facts of petitioners case in MVC No.1216/2021 is discussed as here under: The petitioner in MVC No.1216/2021 was traveling as pillion rider on the date of incident as discussed in MVC No.1215/2021. The petitioner was aged about 46 years at the time of accident and she was doing business and agricultural, tailoring work and was earning Rs.20,000/- per month. Due to accident the petitioner has sustained grievous injuries to her head and fracture of frontal bone and injury to her right ear and injury to the right knee, right and left leg etc. The petitioner had taken treatment in Government Hospital, Haveri from 08.01.2019 to 10.08.2019 as indoor patient and also taken the treatment as out door patient in other hospitals and spent more than Rs.1,00,000/- for medicine, food and other hospital charges. The respondent No.1 is the owner and respondent No.2 is the insurer of the said vehicle. Hence, the respondent

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No.1 and 2 are jointly and severally liable to pay the compensation of Rs.8,00,000/- to the petitioner. Hence, this petition is filed.

6. After institution of these petition notice have been issued to the respondents, reported as served. Respondents No.1 and 2 appeared through their counsels. They have filed their separate objections to the main petition. Meanwhile as per application of petitioners both petition clubbed, it is ordered to record common evidence in MVC No 1215/2021.

7. The respondent No.1 has denied the entire petition statement of facts in relation to happening of alleged accident, age of deceased and injured, earning of deceased and injured at the time of accident. It is specifically contended by the respondent No.1 that, the respondent No.1 on 08.01.2019 had been to Balambeed village for calling the coolies for his agricultural works which is 3 km far away from his village Havanagi. Then he returned from Balambeed to Havanagi at about

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06.00 PM on his motor cycle. His motor cycle which was on left side of the road and on the opposite side, the motor cycle with triple riders came rashly and negligently endangering to human life who fell down due to slip of his vehicle. By that time, the PWD was carrying road repairs and had put stone materials (**Jalli Kadi**) on the road. Hence, the deceased of the motor vehicle bearing No. KA-51-EL-7643 was riding the bike along with two pillion riders i.e., his wife and his daughter. Then the respondent No.1 stopped his motor cycle and helped to the deceased Umesh and his pillion riders and sent back to their village doing his job as a good Samaritan. Except that the deceased sustained smaller injuries, no other major casualties took place. That, the respondent No. 2 is insurer of the respondent No.1's vehicle. The respondent No. 1 has got a driving license and valid registration certificate. If the Court comes to the conclusion that, the petitioners are entitled to the compensation, respondent No.1 is not at all liable to pay the compensation towards the

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accident. On these grounds the respondent No.1 has prayed to dismiss the petition with cost.

8. The respondent No.2 is the insurance company insured to the motor cycle bearing registration No.KA-27/EA-8849. The policy No.2403023118P111452219 which is having validity from 06.12.2018 to 05.12.2019. The respondent No 2 has filed objections to the main petition wherein he has contended that, the alleged accident was caused solely due to the rash and negligent driving of the deceased Umesh himself. Therefore, the rider of the said motor cycle himself is contribute for the said accident. It is also contended that, the rider of motor cycle was not having valid and effective driving license and his vehicle is not having the insurance. It is also contended that, on the date of the accident the petitioner in MVC No 1216/2021 was traveling as a pillion rider on motorcycle bearing its registration No.KA-51/EL-7643. The said motorcycle was carrying 3 persons which is in contravention to the Section 128 of M.V. Act. It is also contended that,

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the rider of motorcycle was not wearing helmet at the time of alleged accident which is in contravention to the Section 129 of M.V.Act. Therefore, no negligence can be attributed on the part of the rider of the motorcycle bearing its No.KA27/EA-8849. It is also contended that, the accident was occurred due to negligence on the part of rider of motorcycle bearing **No.KA051/EL-7643**. Hence, the petition is bad for non joinder of necessary parties. It is also contended that, the accident was occurred on **08.01.2019** and the complaint was lodged on **11.01.2019**. The reason for delay of 3 days is not explained properly by the petitioners in claim petition. Therefore, it clearly show that, the vehicle bearing No.KA-27/EA-8849 in the alleged accident was intentionally implicated just to claim compensation illegally from this respondent. It is also contended that, the rider and others of the motorcycle have sustained injuries **due to self fall** and the said motorcycle is not at all insured.

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9. It is also contended by the respondent No.2 that, the said accident has never occurred due to the involvement of the two wheeler bearing **Reg. No. KA-27/EA-8849** rather than by some other cause which can be attributed to the fact that, the certifying authorities in the wound certificate have clearly mentioned that the petitioner Smt. Saraswati W/o Umesh Langoti, was reported to be giving not clear history and the said authorities have clearly mentioned that the said accident is due to **tractor X bike collision**. It is also can be arrived from the fact that, the petitioner, under MVC No.1215/2021, Mr. Umesh Langot has been reported by the Senior Doctor, 156 1 of District Haveri, saying that the history given by the patient and accompanied people weren't not reliable as they were changing history and they were not willing for MLC. Hence, the Senior Doctor, of District Haveri has informed this fact to police authorities for taking appropriate action in this regard. Thus, it is clear case of collusion between the petitioners and police authorities to get the claim from this respondent

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which this respondent strongly object beg to the Hon'ble court to dismiss the case to the cost. Therefore, among these grounds of objections the respondent No.2 has prayed to dismiss the petition with cost.

10. On the basis of the above pleadings, my predecessor in office has framed following Issues as here under:

Issues in MVC No.1215/2016

- 1. Whether the petitioners prove that on 08.01.2019 at about 7-00pm while deceased Umesh S/o Basavantappa Langoti was traveling on Havanagi-Balambeed Road on his motorcycle bearing Reg No.KA-51/EL-7643, he died due to the injuries sustained in the accident caused due to the actionable negligence of rider motor cycle bearing Reg. No.KA-27/EA-8849?**
- 2. Whether the Respondent No. 2 proves that the accident was due to the negligence of the rider of motor cycle**

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***bearing Reg. No. KA 51 EL
7643?***

- 3. Whether the Respondent No. 2 proves that the Respondent No. 1 has violated the terms and conditions of the insurance policy?***
- 4. Whether the petitioners are entitled for the compensation? If yes, to what quantum and from whom?***
- 5. What Order or award?***

Issues in MVC No.1216/2016

- 1. Whether the petitioners prove that on 08.01.2019 at about 7.00 pm on Havanagi-Balambeed Road while she was traveling on motor cycle Reg. Bearing No. KA-51/EL-7643 as a pillion rider, she has sustained injuries in the accident caused due to the actionable negligence of the rider of motor cycle Reg. bearing KA No.27/EA-8849?***

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- 2. Whether the Respondent No. 2 proves that the accident was due to the negligence of the rider of motor cycle bearing Reg. No. KA 51 EL 7643?***
- 3. Whether the Respondent No. 2 proves that the Respondent No. 1 has violated the terms and conditions of the insurance policy?***
- 4. Whether the petitioners are entitled for the compensation? If yes, to what quantum and from whom?***
- 5. What Order or award?***

11. In order to prove the case of petitioners, the petitioner No.1 in MVC No. 1215/2021 has stepped into witness box and examined as P.W.1. She has got marked Ex.P.1 to P30 documents. The Petitioner in MVC No. 1216/2021 has stepped into witness box and examined as PW2 and she has got marked Ex.P31 to 33 documents. Witness by name Sri Girish Devareddy Chavareddi has been examined as P.W.3. On the other hand the

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representatives of respondent No.2 insurance company by name Ravi Yanakanthi has stepped into witness box and examined as RW2. He has got marked Ex.R1 to R4 documents. Witness by name Dr. Sandeep N.B. has been examined as R.W.1.

12. I have heard the arguments of learned counsel for petitioners and respondents. Perused the entire records.

13. The learned advocate for petitioner as a part of his argument has relied the following decision:

1. *(1992) ACJ 321 Shantaben Ambalal Sutaria and others V/s Valjabai Harjibai Patel and Others.*

2. *(2003) 2 ACC 631 Rajendra Naraji and Others V/ s Vinodkumar Agarwal and another.*

3. *(2018) ACJ 2201 O Tiraviam V/s Sri. Vairan Roadways and others.*

4. *(2009) ACJ 1298 Sarala Varms and Others V/s Delhi Transport Corporation and Others.*

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*5. (2017) ACJ 2700 National Insurance Co. Ltd
V/s Pranayasetti and Others.*

*6. (2020) ACJ 1799 Honnura and Another V/s
Saganagouda and Others.*

14. The learned advocate for respondent No.2 has relied following the decisions part of his arguments;

*1] MFA No.1283/2019 Mr. Gurappa Vs. Mr.
Harish S/o Rajagowda and another*

*2] MFA No.4425/2013 Manjuantha S/o Obaiah
Vs. B. Channakeshavappa and Another*

*3] MFA No.2802/2016 The Branch Manager ,The
Oriental Insurance Co.Ltd., Vs. Samrudh S/o
Maheshgowda and another*

*4] MFA No.3973/2015 Sri Y.S. Sampangi Vs. The
United India Insuranc Co., Ltd., and another*

*5] MFA No.186/2008 National Insurance Co., Ltd.,
Vs. Gurunath Sitaram Hegde and another*

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*6] Civil Appeal No.14718-14719/2025 Sithara N.S.
and Others Vs. Sai Ram General Insurance
company*

15. My answers to the above Issues are as follows:

Issues in MVC No.1215/2021

ISSUE NO.1 : In the Negative

ISSUE NO.2 : In the Affirmative,

ISSUE NO.3 : Does not arise for
consideration.

ISSUE NO.4 : NO Petitioners are not
entitled for any compensation
from respondents..

Issues in MVC No.1216/2021

ISSUE NO.1 : In the Negative

ISSUE NO.2 : In the Affirmative,

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ISSUE NO.3 : Does not arise for
consideration,

ISSUE NO.4 : No. Petitioner is not entitled
for any compensation from
respondents.

ISSUE NO.5 : As per final order, for the
following:

: REASONS :

16. ISSUES NO.1 to 3 IN BOTH MVC PETITIONS :- These two petition have been filed under **Section 166 of Motor Vehicles Act 1989** seeking compensation for the reason death of **Umesh Langoti** the rider of motor cycle and **Smt. Saraswati W/o Umeesh Langoti** the pillion rider of motor cycle who have sustained injuries in alleged road traffic accident. The petitioners in their petition have contended that, on 08.01.2019 at about 7:00 P.M., deceased Umesh Langoti was riding his motor cycle bearing Reg.No.KA-51/EL-7643 on Havanagi-Balambeed road near the land of Naveen Hebbal and he met with accident and

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due to it the injuries sustained in the road traffic accident caused due to the actionable negligence of the rider of the offending vehicle bearing registration No.KA-27/EA-8849. Per contra, the respondent No.2 by filing objections has disputed the road traffic accident wherein it is contended that, the accident was occurred due to the sole negligence of the rider of Hero motor cycle bearing registration No.KA-51/EL-7343 i.e., deceased Umesh Langoti and at the time of alleged accident the rider of the alleged offending vehicle bearing registration No.KA-27/EA-8849 was not possessed driving license at the time of accident, hence the respondent No.1 has violated the terms and conditions of insurance policy. The prime contention of respondent No.2 as against the petition statement of fact is very very peculiar circumstances that, the respondent No.2 has submitted that there is involvement of vehicle registration No. KA-51/EL-7643. The respondent No.1 has also contended that, the deceased Umesh Langoti himself is on wrong door as he himself was riding the motor cycle in rash and negligent

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manner. The said motor cycle fall down and the deceased, the two pillion rider sustained injuries. Therefore, there is no road traffic accident as stated by the petitioners. The respondent No.2 has also contended that, there is delay in filing the information to the concerned police station. The respondent No.2 has also referred the wound certificate of injured, wherein there is no mention about RTA or MLC pertaining to the aspect. Therefore, it is a peculiar circumstances wherein, the owner of vehicle respondent No.1 and insurer of said vehicle the respondent No.2 are seriously disputing the road accident that to caused by the rider of respondent No.1 vehicle. Therefore, in order to claim the relief the initial burden is on the petitioners to prove the alleged road accident and also the injuries sustained by them in the road accident that to by the actionable negligence of the rider of motor cycle bearing Reg No. KA-27/EL-8849. Therefore, my predecessor in office has rightly framed issue No.1 to 3 in both MVC petitions in order to decide the real lis between the parties. Therefore, in the considered opinion of this

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court these issue No.1 to 3 are all interlinked with each other based on the pleadings of parties and the evidence adduced thereon. Hence, in order to avoid repetition of facts and reasoning, these issues have been taken together for common discussion.

17. In evidence, the petitioner No.1 in MVC No. 1215/2021 and the petitioner in MVC No. 1216/2021 have produced FIR and complaint in Adur P.S Crime No.9/2019 those have been marked as Ex.P.1 and 2. Ex.P.3 is the certified copy of charge sheet, Ex.P.4 is the certified copy of spot panchanama, Ex.P.5 is the certified copy of seizure panchanama, Ex.P.6 is the Driving license of deceased Umesh Langoti, Ex.P.7 is the death extract of Umesh Langoti. Upon perusal of the Ex.P1 and 2 documents it appears that, the alleged accident was occurred on 08.01.2019 at about 7-00 pm on Havanagi-Balabeed road. It also appears in Ex.P1 and 2 documents that, the incident report was given to the concerned police station on 11.01.2019 at about 7-30 pm by deceased Umesh

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Langoti. It also appears in Ex.P1 and 2 documents that, there was head collusion in between the offending vehicle KA-27/EA-8849 and the deceased vehicle KA-51/EL-7643. Upon perusal of the Ex.P1 and 2 documents the deceased Umesh Basavanatappa Langoti has set criminal law in motion by filing information to the concerned police station about the accident and there is 3 days delay in filing the information.

18. The PW 1 has also produced Ex.P3 the charge sheet wherein it appears that the investigation officer has conducted investigation and filed charge sheet against the rider of the respondent No.1 and there is substance of accusation as against the rider of respondent No.1 for the offence punishable under Sections 279, 337 and 338 of IPC. However, Ex.P3 the charge sheet is not conclusive proof pertaining to the road accident but it can be relied with oral evidence of petitioners subject to the rival contentions of respondents. Here, as per the petitioners case the rider of motor cycle bearing Reg. No. KA-27/EA-8849 on given

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date and time has ridden the same at high speed and rash negligent manner and dashed to the deceased vehicle and caused horrible accident. It is pertinent to note that the deceased Umesh Langoti himself has set criminal law in motion in a belated time which appears in FIR and complaint. The delay in filing the complaint before police is not a sole ground to reject the incident accident but the who is a tort feasure is a para mount consideration. It is stated in the Ex.P1 itself that, the informant was engaged in the treatment of his wife Saraswati the petitioner No 1. Hence, there is delay in filing information to the police. The accident injuries sustained by deceased Umesh Langoti and his wife Saraswati Langoti are not in dispute. The respondent No.1 and 2 have taken contrary stand as against the charge sheet filed by the police. It is pertinent to note that, the owner of alleged offending vehicle has seriously disputed the road accident by stating that, the deceased himself has on wrong door as he self fell on road and sustained injuries. There is no direct contact in between alleged offending vehicle and the deceased

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vehicle. As the contentions of the respondents are taken into consideration then on part of the petitioners Ex.P1 and P2 FIR and complaint, Ex.P3 charge sheet, Ex.P4 spot panchanama, Ex.P5 seizure of the vehicles, Ex.P25 the wound certificate of deceased Umesh Langoti and Ex.P31, the wound certificate of Saraswati and Ex. P 34 the plea of admission in relation to road accident are good evidence to appreciate in the matter on point of the petitioners case. These documents are pointing out that, on the incident date and time the accident was occurred due to actionable negligence of the rider of motorcycle registration No. KA-27/EA-8849. Now it is the turn of the respondents to prove their stand in the matter.

19. In this regard, the Advocate for respondent No.2 has extensively cross examined the PW1 and 2. Before going into the cross examination of these witnesses it is also relevant to discuss the fact that, the representatives of respondent No.2 party has stepped into witness box and examined as RW2. He has filed affidavit in

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lieu of examination in chief by reiterating the contentions taken in the objections. *Whether the evidence of RW2 makes any corroboration with the stand of respondents and is there any contrary evidence placed by the respondent No.2 in the evidence of PW1 and 2 are material aspect to be taken into consideration while dealing with the alleged road accident.* In this regard the PW1 during the course of cross examination has stated that, if two pillion rider along with the rider were traveling on a motorcycle it became difficult to ride the vehicle and the PW1 has given admission for it. It mean to say that, the respondent No.2 wanted to place evidence that, on the incident date the deceased Umesh Langoti was riding the motor cycle with two pillion rider. But here there is no fruitful evidence on the part of respondent No.2 as to ascertain this aspect from the mouth of PW 1. On the other hand, the respondent No.2 has taken contention pertaining to self fall of the vehicle of Umesh Langoti. But here during the course of cross examination it is suggested to the PW1 that, there was head collusion in between the two motorcycles. Here, the

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respondent No.2 has also suggested that, the accident was occurred due to rash and negligent driving of both riders of motorcycle. But the PW1 denied the same. The relevant portion of evidence is very much necessary here to reproduce it and the evidence of PW1 read thus: "ಅಪಘಾತ ಸಂಬಂಧಪಟ್ಟಂತೆ ನನ್ನ ಗಂಡ ದೂರು ಕೊಟ್ಟಿದ್ದರು ಎಂದರೆ ಸರಿ. ಅಪಘಾತ ಹಾವಣಿ-ಬಾಳೆಂಬೀಡ ರಸ್ತೆಯ ಮಧ್ಯಭಾಗದಲ್ಲಿ ಆಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಅಪಘಾತ ಎರಡೂ ದ್ವಿಚಕ್ರ ವಹಾನಗಳ ನಡುವೆ ಮುಖಾಮುಖಿ ಆಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಎದುರುಗಡೆಯಿಂದ ಬಂದ ದ್ವಿಚಕ್ರ ವಾಹನದಲ್ಲಿ ಒಬ್ಬನೇ ಇದ್ದನು. ಅಪಘಾತದಲ್ಲಿ ನಮ್ಮ ವಾಹನಕ್ಕೆ ಏನೇನು ಜಖಂ ಆಗಿತ್ತು ಎಂದು ಹೇಳಲು ನನಗೆ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಅಪಘಾತ ಎರಡೂ ವಾಹನಗಳ ಚಾಲಕರ ತಪ್ಪಿನಿಂದ ಆಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ".

Therefore the respondent No.2 himself admitting the road accident in the above said manner there is no extra evidence need to adduce as to ascertain and determine the fact of road accident in between the two vehicles. But the evidence of Doctor and wound certificate of both deceased and injured, MLC register produced by the doctor can prevail over the oral evidence which need to be appreciated in the present matter. Now it is the turn to place evidence that, the accident was occurred due to gross negligence of the both rider of the motorcycle

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but here there is no evidence in this regard and as already discussed the police paper produced by the petitioners making corroboration to the incident accident but question is who is actual tort feasure either deceased himself or rider of alleged offending vehicle.

20. The one more contentions taken by the respondent No.2 is that, when the deceased Umesh Langoti approached to the government hospital, Haveri there is no disclosure of road traffic accident before the medical officer. In this regard Ex.P25 is the wound certificate of Umesh Langoti. Upon perusal of the Ex.P25 it appears that of reason for injury **RTA patient was driving the two wheeler fall due to skid towards another vehicle.** By relying Ex.P25 the learned Advocate for respondent No.2 has called for evidence of medical officer who is the author of Ex.P25 document. Dr. Sandeep M B S/o Basavareddy M S has been examined as RW1. The said doctor has given evidence that, the deceased Umesh Langoti was approached to the hospital having history of injuries as self fall.

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Therefore, the said event was not entered as MLC. It is also stated that, the deceased Umesh Langoti was self fall from the vehicle hence, they could not enter the MLC. Therefore, the medical officer has stated about the self fall of the deceased Umesh Langoti which in turn caused the injuries to both Umesh and his wife Saraswati. Now when the medical officer stepped into witness box the petitioners disputing the contents of Ex.P25 document by suggesting that there is no initial put forth by the doctor by removing the word **RTC** and applying the word **self fall**. Further in Ex.P25 there is no whisper about the fact that, the injured Umesh and Saraswati by whom presence along with them approached to the hospital for treatment for accident injuries. It is also suggested to the RW1 that as per say of one Premanathgouda the medical officer has entered false history of self fall from bike. The all such suggestions put forth by the petitioner have been denied by the RW1. *Whether the medical officer has committed any error in mentioning the history of injuries sustained by both*

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Umesh and Saraswati are peculiar question before this court.

21. In this regard, as to the matter of investigation pertaining to road accident is concerned, the investigation officer has been examined as PW3. He has given evidence in examination in chief that of recording of statement of witnesses as per Ex.P35 to 38. The said witness also deposed by identifying the Ex.P4 and P5 documents those are the spot panchanama and seizure panchanama. The said witness has specified about the fact that, due to rash and negligent driving of respondent No.1 the accident was occurred and for which he has filed charge sheet against the respondent No.1. His evidence has been tested by the learned Advocate for respondent No 2. During the course of cross examination the respondent No.2 has relied upon Ex.P25 wound certificate of Umesh Langoti and has taken admission that, accident was occurred by driving two wheeler fall due to skid. It is also elicited from the mouth of the PW3 that, there is 3

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days delay in filing the complaint. It is also elicited from the mouth of the PW3 that, in complaint there is whispering about the fact that, due to slight contact with another motorcycle the accident was occurred and there is no direct head collusion in between the vehicles. It is also stated by the PW3 in his cross examination that, he has not issued notice to the vehicle owner under Section 133 of Motor Vehicles Act. By these set of evidence, the PW3 evidence can be appreciated that, the PW3 has received information from informant and carried out investigation on his own way and filed charge sheet against the respondent No.1. It is pertinent to note that, though the respondent No.1 has denied the road accident but he did not stepped into the witness box as to state all the relevant fact in which he had seen the event at the time of accident. Because, the respondent No.1 apart from the deceased Umesh Langoti and Saraswati Langoti are the only prime eye witnesses to the incident. Here, the complainant Umesh Langoti is no more and his wife Saraswati has also spoken about the incident accident. Therefore,

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there is no such shake in the evidence of PW3 which all go against the case of petitioners and stand of respondent No 2.

22. Here, it is relevant to discuss the fact that, much reliance is made in relation to the RTA and MLC. On this aspect the RW1 Dr. Sandeep N B has been stepped into witness box. He has spoken about the history of injuries sustained by both Umesh and Saraswati are self fall from vehicle and not as due to slight or head collusion with respondent No.1 vehicle. In order to make corroboration with evidence of RW1 the respondent No.2 has produced Ex.R3 document which is MLC register. The said document has been produced by RW 1. Upon perusal of the Ex.R3 document it is related to one Bhavaya Langoti and Saraswati Langoti. Both have approached to the hospital for treatment in a RTA. But here the MLC register disclose that, **history not reliable self fall and it is mentioned as tractor and bike.** Here, upon perusal of the Ex.R3 document it is also shown that, that of **NIL MLC.** The said document is

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pertaining to the date on which the alleged accident was occurred. It is pertinent to note that, the injured firstly, approached to the government hospital for treatment for accident injuries. Now it make very clear that, when Ex.R3 is taken into consideration then one Bhavya Langoti and Saraswati Langoti were traveling as pillion rider on motor cycle and deceased Umesh Langoti was riding the bike. It also appears in Ex.R3 that, there is mentioning about tractor which is not at all the vehicle involved in the road accident. Ex.R3 document also supported by document in patient hospital registration dated 08.01.2019 wherein, it is mentioned as **NON MLC** case. It also appears in relation to the petitioner Smt. Saraswati Langoti who admitted as in patient on the history of **NON MLC**. Therefore, the Ex.R3 and R4 documents speaks about 3 aspect pertaining to the road accident **firstly**, RTA due to self fall, **secondly**, accident between tractor and deceased bike and thirdly, the history of injuries not reliable, **NON MLC**. Now if the investigation officer investigated the matter in a proper way by considering these

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documents then the matter would be different and it clearly appears the investigation officer has clearly neglected the matter in investigation. Hence, the evidence of Investigation officer is not highly reliable, credible, acceptable evidence when it looked into evidence of RW 1, Ex.R3 and 4 documents and Ex P 25, 31 documents pertaining to the aspect of road accident caused due to the actionable negligence of the rider of motor cycle No KA 27 EA 8849.

23. It is admitted fact that, the FIR is primary document pertaining to incident accident though it is not sworn by the informant on oath. As the present matter is concerned the informant Sri. Umesh Langoti is no more to sworn the information. It is burden on the claimant to prove the road accident when the accident is seriously disputed. In the present matter the petitioners are relying the police investigation papers in order to prove the road accident that to caused by actionable negligence of rider of the motorcycle Reg. No. KA-27/EA-8849. For which the petitioners

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are relying Ex.P1 and P2 the FIR and the complaint, Ex.P3 the charge sheet filed in the matter. Admittedly in relation to the road accident the criminal law in motion was set out by the informant on 11.01.2019 after three days delay. The admitted fact is that, before filing of FIR and complaint the injured Umesh Langoti and Saraswati Langoti were approached to the government hospital, Haveri for treatment. In this regard the RW1 Dr. Sandeep M B who examined the injured immediately after the accident and who had been summoned to give evidence at the instance of the insurance company, had categorically stated that, when the petitioners approached him they have informed him that, they had suffered injuries as a result of self fall and they had not indicated in any manner that, it was a result of motorcycle accident. Ex.P25 is the wound certificate of Umesh Langoti wherein it is mentioned as history of injury RTA patient was driving two wheeler fall due to skid towards another vehicle. Ex.R3 is a certified copy of MLC register wherein, also it is mentioned as history not

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reliable RTA self fall. The said Ex.R3 is followed by in patient hospital register of Bhavya Langoti and Saraswati Langoti and it is shown as **NON MLC** case. Ex.P31 is the wound certificate of Saraswati Langoti wherein it is mentioned that, history of self fall or history not reliable. The said Ex.P31 has been issued on the basis of Ex.R3 document. Therefore the evidence of RW1 Dr. Sandeep M B is corroborative and consistent to the Ex.P25, 31, Ex.R3 documents.

24. The learned Advocate for petitioners would argue the matter that, as per say of one Sri. Premanathagouda Patil the Doctor had mentioned it as self fall. It is admitted by the petitioners that, the injured had been for treatment themselves. Under the circumstances, how can the doctor note such aspect pertaining to **MLC or NON MLC** of deceased Umesh Langoti and Saraswati Langoti or Bhavya Langoti. Therefore, the petitioners claim pertaining to the fact that, the said Premanathagouda Patil accompanied with injured and he had given the information pertaining to

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road accident is not at all established through summoning him as witness to bring out the truth before the court. On the other hand, the learned Advocate for petitioner has relied upon the police paper in relation to road accident in order to prove the road accident. The learned Advocate for petitioners would rely upon the document Ex.P34 which is the certified copy of order sheet wherein, case has been filed against **Premanathagouda Virupakshagouda Patil** and he has admitted the road accident and pleaded guilt of offence punishable under Section 279, 337,338 IPC. Now the plead of guilt of offence is taken into consideration then how can he give information to the doctor about road accident as self fall for injuries sustained by Umesh Langoti and Saraswati Langoti. It become contradictory to the stand of petitioners with Ex. P 34 document. The admission of said accused in respect of road accident was recorded on 04.12.2019 and the petitioners have filed present petition on 15.11.2021. Therefore, the plea of admission was not at all recorded during the pendency of this petition and hence the Ex.P34

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document alone is not sufficient to hold that, there was road accident that to gross negligence of rider of motorcycle. In this regard the learned Advocate for respondent No 2 has made reliance on the decision of our own Honble High Court in **MFA No 186/2008 c/w MFA CROB No 770/2012 decided on 13.03.2012 National Insurance Co.Ltd v/s Gurunath Sitaram Hegade and others** wherein it is held that, *plead guilty and the conviction in a criminal case instituted against the rider or a driver is not a conclusive proof and the same cannot be transplanted into the claimants proceedings.* This view of mine is also supported by the relevant fact and evidence on record that, as per admitted fact the deceased Umesh Langoti had given the information about the road accident if so then why he had kept the relevant fact in dark pertaining to his daughter Bhavya Langoti who had also sustained injuries in road accident. Because, the Ex. P 3 is the charge sheet wherein the said Bhavya Langoti shown to be as charge sheet witness by classifying **injured cum aye witness**. Therefore, the Ex. P3 charge sheet speak about the fact of two pillion rider were

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traveling on motor cycle and there is no doubt on this aspect. When this fact is clearly established by the respondent No 2, the Ex R 3 and 4 documents are credible and acceptable documents for the simple reason that the medical officer who examined the injured had mentioned the **NON MLC and self fall** on the basis of information given by injured only. Ex R3 is the document wherein Bhavya Langoti approached to the hospital for treatment with no external injury except tenderness over right temporal reson and petitioner in MVC No 1216/2021 Smt. Sarswati Langoti approached to the hospital with head injury, No LOC, No hemilemisis. It is also pertinent to note that, the in patient Hospital Registration is generated in respect of Bhavya Langoti as UHID 20190004845, IP No 2019484 and in respect of Smt. Sarswati Langoti as UHID 20190004844, IP No 2019483 and doctor had mentioned **NON MLC CASE**. If at all in order to prove the involvement of the vehicle in road accident the injured if disclosed the vehicle Number before medical officer then matter would be different as to consider the claim

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of petitioners. Here, the accident is proved but the involvement of vehicle and rash, negligent act have not been established. Hence, in a case of motor vehicle accidents, the standard of proof required is that of the preponderance of probabilities. The omission of the involvement of vehicle before the Medical Officer is all go against the petitioner claim.

25. The learned Advocate for petitioners Sri S.R. Hegade would argue the matter by relying the FIR and Complaint, charge sheet filed in the matter that, the FIR was lodged against the owner/ rider of the offending vehicle and he is also charge sheeted there by establishing negligence. Further it is also argued that, the doctors are not the correct persons to depose about the manner of accident, In this regard the learned Advocate for petitioner has relied upon the decision report in **2025 ACJ 1131 Meera Bai and Others v/s ICICI Lombard General Insurance Co. Ltd and another** wherein it is held that, *'availability of an eye witness is not possible in every case. FIR was lodged against the*

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*owner driver of the offending vehicle and he is also charge sheeted thereby establishing negligence'. The learned Advocate for petitioner would also rely the decision report in **2025 ACJ 197 B. Jayamma and others v/s V.Nagesshwar Rao and another** wherein it is held that, 'Tribunal relying on the statement of two doctors found that deceased died due to self fall and holding that offending motor cycle was not involved in the accident dismissed the claim application- Doctors are not the correct persons to depose about the manner of accident', with due respect to the decision relied by the advocate for petitioner the decisions are not made applicated to the present case on hand for the simple reason that, here deceased himself. Injured Bhavya Langoti and Petitioner Smt Sarswati Langoti are the eye witness and they have not at all informed him about involvement of motor cycle and they had suffered injuries as a result of a self fall and they had not indicated in any manner that it was a result of motor vehicle accident.*

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26. The learned advocate for petitioner has also relied upon the decision of our own Honble High Court of Karnataka in MFA No 103215/2014 clubbed with 103214/2024 dated 29.10.2025 wherein it is held that, *‘One should remember that the law has not fixed any time limit for lodging complaint to police. Whether delay in setting the law into motion is fatal or not depends upon the facts and circumstances of each case. Courts have to look whether the de facto complaint has utilized the time to give wings to his imaginations, to wreck vengeance against his opponents, for discussions and deliberations, to settle scores or to prepare grounds for false claim In case of non these exist and where the delay is due to genuine cause coupled sometimes with inability to approach police immediately, then such delay cannot come in the way of victim to get justice’.* In the present case on hand there is a delay of 3 days in filing complaint. The rider of the motor cycle lodged the complaint on 11.01.2019 but he had nothing whispered in the complaint about his pillion rider Bhavya Langoti who approached to the hospital to take treatment for injury this is one aspect. Another

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aspect is that, if any one out of three injured had disclosed before the doctor about the history of injury by specifying the involvement of motor cycle No. KA 27 EA 8849 then only the reasonable cause in delay in lodging complaint can be ascertained otherwise not. That is a law declared by the Honble court in above said matter. Hence, the said dictum is not applicable to the present facts and circumstances of the case.

27. On the other hand Sri. N. Devaraj learned advocate for Respondent No 2 would argue the matter based on his contention and evidence on record that, the petitioners have not at all established their claim to prove the three elements under **section 166 of The Motor Vehicles Act 1988** one is occurrence of accident another one is involvement of the vehicles and lastly rash and negligent act of the offending vehicle. In this regard the learned Advocate has relied upon decision report in **Civil Appeal Nos 14718-14719 of 2025** decided on 12.12.2025 wherein it is held that, '*An FIR is not an encyclopedia and omissions at the initial*

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*stage may not be determinative. However, the claimants must establish the specific identity of the vehicle/driver, with the caveat that the connection of the accident with the said vehicle must be established through cogent and reliable evidence'. Further, relied upon the verdict in **MFA No 1283/2019 Gurappa v/s Harish and another decided on 10.12.2024** wherein it is held by Honble High Court of Karnataka that, 'Since, the doctor who examined the claimant immediately after the accident, had clearly stated that the claimant himself had informed him that he had suffered injuries as a result of a self fall and he had not indicated in any manner that it was a result of motor vehicle accident, the dismissal of the claim petition by the Tribunal cannot be found fault with. Consequently, the appeal is dismissed'.*

28. In conclusion, upon going into the evidence of the both parties it clearly appears that, in the present case only occurrence of accident is established but it is on the part of rider of motor cycle KA 51 EL 7643 due to self fall only. For which Ex P24 the injury certificate of deceased Umesh Langoti and Ex.P 31 the injury certificate of Smt.

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Saraswati Langoti are prime documents produced by the petitioner themselves which disclosing history of **self fall, history not reliable and driving two wheeler fall due to skid towards another vehicle.** The said evidence making corroboration and consistent with the doctor evidence and Ex. R3 and 4 the MLC Register of injured Bhavya and Saraswati Langoti which speaks about the **NIL MLC OR NON MLC.** The delay of 3 days in filing Complaint and hiding the treble riding on motor cycle by the deceased Umesh Langoti. Therefore, the petitioners have failed to prove the involvement of the motor cycle No KA 27 EA 8849 and failed establish that on 08.01.2019 at about 7.00 p.m while deceased Umehs Langoti was traveling on Havanagi to Balambeed road on his motor cycle bearing Reg No KA 51 EL 7643 he died and his wife suffered by accident injuries due to actionable negligence of rider of motor cycle No KA 27 EA 8849. Meaning thereby the accident was occurred due to self fall of deceased Umesh Langoti. For all these reasons though the vehicle No KA 27.EA 8849 insured with respondent No 2

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insurance company no need to discuss the violation of term and conditions of insurance policy. The rider of motor cycle bearing Reg. No KA 27 EA 8849 is not actual tort feature in this claim petition as discussed above.

29. Therefore, considering all these material aspects I am having no hesitation to answer **Issue No.1 is in the Negative** and **Issue No. 2 is in the Affirmative** and **Issue No.3 Does not arise for the consideration.**

30. ISSUE No.4 in both MVC PETITIONS:
The petitioners have claimed compensation of Rs.42,00,000/- with interest at the rate the rate of 18% in MVC No 1215/2021 and Rs. 8,00,000/- in MVC No 1216/2021 from respondent No 1 and 2. But while discussing Issue No 1 to 3 No liability can be fixed on the either of respondent to pay compensation to the petitioners. The petitions filed by the petitioners fails and no relief can be granted to the petitioners in these petitions. Hence, **Issue No 4 is answered in the Negative.**

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31. ISSUE NO. 5 IN BOTH MVC PETITIONS : For the aforesaid reasons findings on Issues No.1 to 5, I proceed to pass the following:

ORDER

The both petitions filed by the petitioners for the relief of compensation under Section 166 of Motor Vehicles Act are hereby dismissed.

No orders as to cost.

Draw awards accordingly.

(Original Judgment be kept in MVC 1215/2021 and copy of the same in MVC No.1216/2021)

(Dictated to the stenographer, directly typed and print out taken by her and then corrected, signed and then pronounced by me in the open court on this the 27th day of June 2026).

(Sunil S Talawar)
Senior Civil Judge & Member
Addl. MACT, Shiggaon.

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**ANNEXURE****List of Witnesses examined on behalf of the****Petitioners:**

PW.1: Saraswati Umesh Langoti
(MVC No. 1215/2021)

PW.2: Saraswati Umesh Langoti
(MVC No. 1216/2021)

PW.3: Sri. Girish Devareddi Chavareddi
(MVC No. 1215/2021)

List of Documents marked on behalf of the**Petitioners:**

Ex.P.1 : Certified copy of FIR bearing Cr
No.9/2019

Ex.P.2 : Certified copy of complaint

Ex.P.3 : Certified copy of charge sheet

Ex.P.4 : Certified copy of spot panchanama

Ex.P.5 : Certified copy of Vehicle panachanama

Ex.P.6 : Driving License

Ex.P.7 : Death certificate of Umesh Langoti

Ex.P.8 : Attested copy of Aadhaar card of PW1

Ex.P.9 : Attested copy of Aadhaar card of
Basavaraj Umesh Langoti

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- Ex.P.10 : Attested copy of Aadhaar card of
Bhavya Umesh Langoti
- Ex.P.11 : Medical Bills
- Ex.P.12 : Medicine prescriptions
- Ex.P.13 : Casualty issued by District Hospital,
Haveri pertaining to Umesh Langoti
- Ex.P.14 : Out patient record
- Ex.P.15 & 16: Scan reports
- Ex.P.17 to 20: Discharge summary
- Ex.P.21 : Biochemistry reports
- Ex.P.22 : Scan report
- Ex.P.23 : Laboratory reports
- Ex.P.24 : Notarized copy of Aadhaar card of
Sri. Umesh Langoti
- Ex.P.25 : Wound Certificate
- Ex.P.26 : Medicine prescription
- Ex.P.27 : Reference letter issued by Orthopedic
surgeon
- Ex.P.28 : Medicine prescription
- Ex.P.29 : MRI Brain Scan report
- Ex.P.30 : Medical report
- Ex.P.31 : Wound certificate

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- Ex.P.32 : Discharge card of District Hospital,
Haveri.
- Ex.P.33 : IPD Bill receipts
- Ex.P.34 : Certified copy of order sheet vide
CC No. 195/2019
- Ex.P.35 : Statement of Anantraju S/o
Mahaveerappa Havalannanavar
(MVC No.1215/2021)
- Ex.P.36 : Statement of Naveen S/o Shekhappa
Hebballi (MVC No.1215/2021)
- Ex.P.37 : Statement of Prashant S/o Ajeet Varur
(MVC No.1215/2021)
- Ex.P.38 : Statement of PW1
(MVC No.1215/2021)

**Witnesses examined on behalf of the
respondents in all the petitions:**

- R.W.1 : Sandeep M B S/o Basavareddi M S
- R.W.2 : Ravi Bhimappa Yankanthi

**Documents marked on behalf of the
respondents in all the petitions:**

- Ex.R.1 : Authorization letter

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Ex.R.2 : Copy of policy

Ex.P.3 & 4: MLC register with enclosures

**Senior Civil Judge &
Member Addl. MACT.,
Shiggaon.**

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