

KARC010001872023



**IN THE COURT OF II ADDITIONAL DISTRICT & SESSIONS JUDGE,
AT : RAICHUR**

Civil Miscellaneous No.01 / 2023

PRESENT

Sri B.B. Jakati,

B.A. LL.M,

Principal District & Sessions Judge &
C/C of II Additional Dist & Sessions Judge,
Raichur.

Dated this the 30th day of July 2026

Petitioner:

The Manager, New India Assurance Company Ltd., # 8-9-265/31, 1st floor, Padma Kunj Complex, above IDBI udigar road, Bidar, Through its Divisional Manager, New India Assurance Company Ltd., Gunj road, Raichur.

(Respondent No.3 in MVC 533/19)

(By Sri. V.S.P, Advocate)

// Versus //

Respondents:

1. Shantkumar S/o Kariyappa, age: 20 years, occ: student, R/o H.No.113, Kadloor village, Tq & Dist. Raichur.
(Claimant in MVC 533/19)
2. Mohd. Niyaz Ahmed S/o Md. Maqbool Ahmed, age: 52 years, occ: driver of Tanker bearing No.KA-36/B-1756, R/o H.No.4-1-72, Muslim Chowk, Noor Khan Talim, Bidar.
(Respondent No.1 in MVC 533/19)

3. Smt. S. Venkat Laxmi W/o P. Pullayya,
age: 45 years, occ: owner of Tanker
bearing No.KA-36/B-1756, R/o No.305-
A, Adaviamareshwara Camp, Tq.
Manvi, Dist. Raichur 584 123

(Respondent No.2 in MVC 533/19)

(Sri. S.S., Advocate for R1)

(Sri. C.K.B. Advocate for R2)

: ORDER :

1. The petition is filed under Order XLVII Rules 1 and 2 read with Section 151 of the CPC, seeking review of the Judgment and Award dated 29.06.2022 passed by this Court in MVC No. 533/2019. In the petition, it has been contended that the first respondent filed a claim petition under Section 166 of the Motor Vehicles Act against the petitioner, the second respondent, and the third respondent, claiming compensation. During the trial, medical bills worth Rs. 15,50,860/- were produced. It is alleged that, among those medical records, the first respondent included duplicate bills and thereby committed fraud upon the Court with the intention of obtaining higher compensation. The alleged duplicate bills are found in Ex.P19 at Sl. Nos. 2 and 79. Therefore, it is contended that the Court passed an award granting higher compensation than what ought to have been awarded. It is further contended that there is an apparent error in the Judgment. According to the petitioner, the duplicate bills were noticed only subsequently, and therefore the petitioner has sought review of the Judgment and Award by deducting the duplicate medical bills shown in Ex.P19.

2. After service of notice, the first and third respondents have appeared through their counsels. Second respondent did not appear inspite of service of notice. The first and third respondents have not filed any objection to the petition.

3. The learned counsel for the petitioner has filed written arguments contending that the first respondent produced duplicate medical bills in the claim petition and that those bills were accepted by this Court. Therefore, it is contended that the duplicate bills should be deducted by reviewing the Judgment.

4. The learned counsel for the first respondent has argued that the first respondent had preferred Misc. First Appeal No. 200382 of 2023 before the Hon'ble High Court of Karnataka against the petitioner and respondents Nos. 2 and 3, seeking enhancement of the compensation awarded by this Court in MVC No.533/2019. The Hon'ble High Court, by its judgment dated 15.07.2025, allowed the Misc. First Appeal and enhanced the compensation. While doing so, the Hon'ble High Court considered the medical expenses of Rs. 15,50,860/- after perusing the medical bills and awarded compensation towards the said medical expenses. Therefore, the contention of the petitioner that the first respondent had produced duplicate medical bills is not sustainable in law. The petitioner was a party to the said Misc. First Appeal and could have raised the grounds urged in the present petition before the Hon'ble High Court. In fact, it is contended that the petitioner had already raised such grounds in the Misc. First Appeal. Therefore, the present review petition is not maintainable in law.

5. I have carefully perused the entire records.

6. The following points arise for my consideration;

1. Whether the petitioner who was the respondent in MFA No.200382 of 2023 and having opportunity to present his case in the appeal is entitled to file the review petition?

2. Whether the petitioner proves that the new and important matter or evidence relating to medical bills produced by the first respondent in claim petition are discovered after the Judgment and they were not discovered during the trial inspite of exercise of due diligence and therefore the Judgment and Award are to be set aside?

3. Whether the petitioner further proves that there is mistake apparent error on the face of record in the Judgment and Award passed by this Court in MVC No.533/2019?

4. What conclusion?

7. My finding to the above said points are as under;

Point No.1 to 3 - In the negative,

Point No.4 - As per final order, for the following;

: REASONS :

8. **Point No.1:** It is on record that the first respondent was the claimant, the petitioner was respondent No. 3, and respondents Nos. 2 and 3 herein were respondents Nos. 1 and 2, respectively, in MVC No. 533/2019. The Judgment and Award were passed on 29.06.2022, and this Court awarded a total compensation of Rs. 58,12,860/- in favour of the first respondent. Being dissatisfied with the quantum of compensation, the first respondent preferred Misc. First Appeal No. 200382 of 2023 before the Hon'ble High Court of Karnataka, in which the petitioner and respondents Nos. 2 and 3 herein were parties. By judgment dated 15.07.2025, the Hon'ble High Court of Karnataka allowed MFA No. 200382/2023 and enhanced the

compensation from Rs. 58,12,860/- to Rs. 86,12,060/-. While enhancing the compensation, the Hon'ble High Court observed that the first respondent had incurred medical expenses of Rs. 15,50,860/- towards treatment and the purchase of medicines. These admitted facts clearly establish that the petitioner was a party to MFA No.200382 of 2023 and had an opportunity to point out the alleged duplicate medical bills produced by the first respondent in support of the claim for compensation. It appears from the records that the petitioner had already raised the said contention before this Court, and the Hon'ble High Court of Karnataka, after considering the medical bills, categorically observed that the first respondent had incurred medical expenses of Rs. 15,50,860/- towards treatment. Therefore, when the petitioner was a party to MFA No. 200382/2023, the present review petition is barred under Order XLVII Rule 1(2) of the CPC. On this ground alone, the present review petition is not maintainable and liable to be rejected. Accordingly, point No.1 is answered in the **Negative**.

9. **Point No.2 and 3:** Since both points are interlinked with each other and evidence is common, I have taken these points together for common discussion. I have carefully perused the medical bills produced in Ex.P19. Upon careful scrutiny, it is noticed that there are no duplicate or fraudulent bills, as contended by the petitioner. The report marked as Ex.P3, produced by the petitioner in the present petition, has not been proved or substantiated in accordance with law. Therefore, the said document is not sufficient to warrant a review of the Judgment and Award passed in MVC No.533/2019. No grounds are made out for reviewing the Judgment and Award. Accordingly, the petition fails. Hence, I answer above points in the **Negative**.

10. **Point No.4:** With these observations, I proceed to pass the following:

ORDER

The Civil Misc. Petition filed under Order 47

Rule 1 & 2 R/w Sec.151 of CPC is dismissed.

(Dictated to the Steno Grade-III, transcribed by him, corrected, signed and then pronounced by me in the open court, on this the 30th day of July, 2026).

(B.B. Jakati)

Principal District & Sessions Judge &
C/C of II Additional Dist & Sessions Judge,
Raichur.

*ssp