



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
MISCELLANEOUS FIRST APPEAL NO.444/2018 (MV-I)

BETWEEN:

THE ORIENTAL INSURANCE COMPANY LTD
SANMATHI PLAZA, H.N. PURA ROAD
PETE, ARKALGUDU
ARKALGUDU TALUK.

ALSO AT THE
ORIENTAL INSURANCE COMPANY LIMITED
TP HUB, REGIONAL OFFICE
LEO SHOPPING COMPLEX
NO. 44/46, RESIDENCY ROAD CROSS
BENGALORE 560025
NOW REPRESENTED BY MANAGER LEGAL.

...APPELLANT

(BY SMT. PADMA S. UTTUR, ADV., FOR
SRI. ASHOK N. PATIL, ADV.,)

AND:

1. MOGANNA
S/O MARIGOWDA
AGED ABOUT 52 YEARS
NORALAHALLI KOPPALU VILLAGE
KASABA HOBLI
ARKALGUDU TALUK.
2. K.M. PRAKASH
S/O D.M. MAHALINGASWAMY
HASSAN ROAD, KOTE
NEAR SHETTY SERVICE STATION





NC: 2026:KHC:23032
M.F.A. No.444/2018

ARKALGUDU
ARKALGUDU TALUK-573012.

...RESPONDENTS

(BY SRI. P.P. JAYAKUMARA, ADV., FOR R2
V/O/DTD:05.01.2026 NOTICE TO R1 IS DEEMED
TO BE SATISFIED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:01.07.2017 PASSED IN MVC
NO.812/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE &
MEMBER, MACT, ARKALGUD, AWARDED COMPENSATION OF
RS.66,500/- WITH INTEREST AT 6% P.A. FROM THE DATE OF
PETITION TILL DEPOSIT.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the Insurance Company
challenging the judgment and award dated 01.07.2017
passed in MVC.No.812/2016 by the Senior Civil Judge and
Member MACT, Arkalgud (for short 'the Tribunal').

2. Smt.Padma S. Uttur, learned counsel for
Sri.Ashok N. Patil, learned counsel appearing for the
appellant submits that respondent No.1 filed a claim
petition under Section 166 of the Motor Vehicle Act, 1988



(for short 'the MV Act') seeking compensation for the injuries sustained in a road accident dated 17.01.2016. However, the complaint was lodged only on 19.01.2016 as is evident from Ex.P2, stating that the accident is occurred due to the actionable negligence of the driver of a car bearing registration No.KA-01-ME-4297. Based on the said complaint, an FIR came to be registered as per Ex.P1. It is submitted that the claimant in collusion with the investigation officer filed a charge sheet against the vehicle bearing registration No.KA-01-MC-4297. It is further submitted that while the complaint and FIR refer to a Maruti Omni car bearing registration No.KA-01-ME-4297, the charge sheet pertains to a Tata Indica car with a registration No. KA-01-MC-4297, which is insured with the appellant. It is also submitted that the charge sheet indicates that the complainant gave a further statement to the police on 20.01.2016, based on such further statement the charge sheet was subsequently prepared and filed. It is contended that the Tribunal erred in ignoring the



discrepancies between the complaint, FIR and the charge sheet and proceeded to fasten liability on the Insurance Company. Hence, she seeks to allow the appeal.

3. I have heard the arguments of the learned counsel for the appellant and meticulously perused the material available on record.

4. The records indicate that respondent No.1 filed the claim petition seeking compensation for the injuries sustained by him in a road accident dated 17.01.2016. The injured claimant lodged a complaint before the jurisdictional police on 19.01.2016, which is marked as Ex.P2, stating that the accident occurred due to the actionable negligence of the driver of a Maruthi Omni car bearing registration No.KA-01-ME-4297. After the investigation, the jurisdictional police filed a charge sheet. A perusal of the charge sheet material indicates that though the initial complaint mentions the vehicle bearing registration No.KA-01-ME-4297 and describes it as a



Maruthi Omni car; however, in the further statement of the complainant dated 20.01.2016, which is marked as Ex.P2(a), indicates that the registration number and the description of the vehicle was incorrectly mentioned in the original complaint by inadvertence. The further statement also indicates that the accident has occurred due to the actionable negligence of the driver of a car bearing registration No.KA-01-MC-4297, which is a Tata Indica car.

5. It is not in dispute that the charge sheeted vehicle is insured with the appellant/Insurance Company. The contention with regard to the discrepancy in the vehicle number and description of make and model of the vehicle cannot be entertained at the appellate stage in the absence of any independent evidence on record. It is to be noticed that the charge sheet filed by the police after the investigation has not been challenged by the Insurance Company and nor has it adduced any independent evidence to substantiate the contention that a false vehicle has been implicated. In the absence of any such evidence,



I am of the considered view that the Tribunal was fully justified in recording its finding with regard to the liability and there is no error in the finding recorded by the Tribunal calling for interference in this appeal. For the aforementioned reasons, appeal is devoid of merits and the same is ***rejected***. The amount in deposit if any shall be transmitted back to the Tribunal. The Registry is directed to transmit the records to the Tribunal forthwith.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 13