



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 6448 OF 2026 (GM-AC)

BETWEEN:

BAJAJ ALLIANZ GENERAL
INSURANCE CO LTD
4TH FLOOR GOLD HEIGHTS
RAJAJINAGAR ENTRANCE
BANGALORE 10
NOW KNOWN AS AND REP BY
THE MANAGER
BAJAJ GENERAL INSURANCE CO LTD
GOLDEN HEIGHTS 4TH FLOOR
NO.1/2, 59TH C CROSS, 4TH M BLOCK
RAJAJI NAGAR
BANGALORE 560 010.
(COMPANY IS REGISTERED
UNDER COMPANIES ACT, 1956).

...PETITIONER

(BY SRI. A N KRISHNA SWAMY, ADVOCATE)

AND:

1. BASHEER AHAMMED
S/O ABDUL WHAAM
AGED ABOUT 53 YEARS
2. SMT ASGARI BANU
W/O ABDUL WHAAM
AGED ABOUT 40 YEARS





BOTH ARE R/AT NO. 90,
13TH CROSS, PADARAYANAPURA
BENGALURU SOUTH
NEAR GOVERNMENT
ELECTRIC FACTORY
BANGALORE 560 026.

3. THE CHIEF ENGINEER (K)
BWSB, CAVERY BHAVAN
5TH FLOOR, K G ROAD
BENGALURU 560 009.
4. M/S MEGHA ENGINEERING AND
INFRASTRUCTURES LIMITED
NO. 157, 3RD CROSS,
SARASWATHIPURAM
NEAR TOLAKERA PARK
DHARWAD 580030.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH
THE ORDER AS PER ANNEXURE-D DATED 02.07.2025
PASSED BY VII ADDL. JUDGE AND ACJM BENGALURU
REJECTING THE APPLICATION FILED BY PETITIONER
UNDER ORDER 7 RULE 11 (DO READ WITH SECTION
151 OF CPC READ WITH SECTION 165 OF IMV ACT IN
MVC NO. 4844/2024.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

This petition is by an Insurer who is arrayed as
a respondent in an application filed under Section



166 of the Motor Vehicles Act, 1988 in the claim petition in MVC No.4844/2024 on the file of the VII Additional Judge and ACJM, Bengaluru [for short, '*the Tribunal*']. The petitioner's grievance is with the Tribunal's order dated 02.07.2025 [*Annexure-D*] on its application under Order VII Rule 11 of the Code of Civil Procedure, 1908 [for short, '*the CPC*'].

2. The Tribunal has reasoned thus to reject the application.

"07. It is admitted that the petitioners filed claim application U/Sec 166 of M.V. Act against respondents No.1 to 3. At the time of filing the petition, the policy of the Scooter bearing No. KA-05-LD-1563, but later the respondent No.3 Insurance Company has filed present application stating that there is no involvement of any motor vehicle in the alleged accident and the said scooter is not insured with this



respondent and it gives insured only to the third party.

08. *Later the petitioners have filed objection along with copy of policy which is third party risk policy and the said policy is valid as on the date of accident. Hence, there are no sufficient grounds for allowing the application filed by the respondent No.3. Hence, I answered Point No.1 in the Negative."*

3. Sri A N Krishnaswamy, the learned counsel for the petitioner, submits that the petitioner's specific case, and the premise in which the application under Order VII Rule 11 of CPC is filed, is that the petitioner has issued a Policy for a 'machine' and not a 'motor vehicle' and that if the policy does not relate to a *motor vehicle*, the petitioner cannot be called upon to answer a claim under Section 166 of the Act. It is obvious on juxtaposed reading of this contention and the Tribunal's reasoning, the application under Order VII Rule 11 of CPC is decided without considering the actual issue.



4. The petitioner must have a reasonable opportunity to demonstrate that if the policy does not relate to a *motor vehicle*, there would be no cause for a claim petition under Section 166 of the Act, and hence, the cause for the application under Order VII Rule 11 of CPC. In the light of the afore, and to ensure that there is expedited decision, this Court intervenes to the limited extent of setting aside the Tribunal's order dated 02.07.2025 and restoring the petitioner's application for reconsideration leaving open all contentions to be urged in the light of this Court's observation but independent of reasons that have prevailed with the Tribunal in passing the impugned order.

The petition is allowed in the afore terms.

Sd/-
(B M SHYAM PRASAD)
JUDGE

AN/-