



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 4479 OF 2020 (MV-I)

BETWEEN:

THE DIVISIONAL MANAGER,
NATIONAL INSURANCE CO. LTD.,
1ST FLOOR, JAGALUR MAHALINGAPA TOWERS
DAVANAGERE ROAD, CHITRADURGA

AND ALSO AT
THE NATIONAL INSURANCE CO. LTD.,
REGIONAL OFFICE, SHUBHARAM COMPLEX,
NO.144, M.G. ROAD
BANGALORE - 560 025,
REPRESENTED BY ITS REGIONAL MANAGER.

...APPELLANT

(BY SRI. SRIDHARA K, ADVOCATE AND
SRI. S.S. PANDIT, ADVOCATE)

AND:

1. SRI RUDRAPPA @ RUDRESHA
AGED 42 YEARS, S/O CHANNABASAPPA
AGRICULTURIST AND COOLIE
R/O KALKERE VILLAGE,
HOLAKRE TALUK
CHITRADURGA DISTRICT.
2. A.H. RAMESHA
S/O HALAPPA

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by
SHARADAVANI
B
Location: High
Court of
Karnataka





AGED ABOUT 44 YEARS,
R/O KALKERE VILLAGE
HOLALKERE TALUK
CHITRADURGA DISTRICT.

...RESPONDENTS

(BY SRI. HARISH N.R, ADVOCATE FOR R1;
R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.03.2020 PASSED IN MVC NO.795/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MACT, HOLALKERE, AWARDED COMPENSATION OF RS.1,45,153/- WITH INTEREST AT 6 PERCENT 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 UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the respondent No.2-insurer being aggrieved by the judgment and award dated 20th March 2020, passed by the Senior Civil Judge and JMFC, MACT, Holalkere, (for short 'Tribunal'), in MVC No.795/2018.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. The brief facts of the case are that respondent No.1 herein filed MVC No.795/2018, contending that on 23.01.2014,



at about 6:45 pm, he was going on a motorcycle bearing registration No.KA-16/U-1060 and his brother was riding the said vehicle. When the said vehicle reached near Narashetty Hall bridge, NH-13 road, the rider of the vehicle rode the vehicle in a rash and negligent manner and hit against tractor-trailer, which was parked beside the road. As a consequence, the petitioner fell down and sustained injuries on his abdomen and legs. Later, his right leg was amputated. Immediately after the incident, the petitioner was taken to Government Hospital, Channagiri and thereafter, he was shifted to Bapuji Hospital, Davanagere, wherein he was admitted as an inpatient from 23.01.2014 to 10.02.2014. He has suffered permanent disability and has spent substantial amount towards his treatment. With these reasons, he prayed to award compensation of Rs.15,00,000/-.

4. Respondent No.2 (appellant herein) filed a written statement denying contents of the claim petition and further contended that its liability is restricted to the terms and conditions of policy of insurance. With these reasons, prayed to dismiss the claim petition.



5. From the rival contentions of the parties, the Tribunal framed necessary issues.

6. The claimant to prove his case examined one witness as PW-1 and marked 11 documents, as per Exs.P-1 to P-11. Respondents examined two witnesses as RW-1 and RW-2 and marked documents as Exs.R-1 to R-3.

7. The Tribunal, after hearing both the parties by the impugned judgment and award, partly allowed the petition, directing the respondents to pay the compensation of Rs.1,45,153/-. The Tribunal held that the accident occurred due to rash and negligent riding of the motorcycle by its rider.

8. Being aggrieved by the said judgment and award, the insurer preferred this appeal.

9. I have heard the arguments of learned counsel for the appellant and respondent No.1.

10. Learned counsel for the appellant vehemently contends that the said vehicle was falsely implicated in the accident. The claimant had not sustained injuries in any vehicle accident but just to claim the compensation, in collusion with



police as well as owner of the vehicle, has filed a false complaint about 9 days after the incident. Except for the wound certificate produced as Ex.P.4 and some medical receipts, no other evidence was placed on record to show that the claimant had sustained injuries in a vehicle accident and had undergone treatment at Bapuji Hospital, Davanagere, for that purpose. On examining the materials placed on record and the evidence of PW.1, it appears that the said vehicle was falsely implicated by fabricating a story of an accident solely for the purpose of claiming compensation. Therefore, prayed to allow the appeal and dismiss the petition.

11. Learned counsel for the petitioner contends that the Tribunal after discussing oral and documentary evidence held that the claimant sustained injuries in a vehicle accident. There is a stray admission in the cross-examination of PW.1 that is not sufficient to hold that he had not sustained injuries in a vehicle accident. It is true that there was a delay in filing the complaint and the said delay was properly explained in the FIR. On the basis of the said complaint, police investigated the matter and filed the charge sheet, which *prima facie* proved



that the said accident had occurred. He further contends that charge sheet and its enclosures were not challenged by the insurer. Therefore, the insurer cannot now contend that it was a false case. There is no reason to interfere in the said finding of the Tribunal and hence, prayed to dismiss the appeal with cost.

12. The fact of the accident itself is seriously disputed. Though there was no such dispute before the Tribunal in the written statement filed by the insurer. During the course of trial, the insurer started disputing the accident.

13. According to the complaint filed on 01.02.2014, the accident took place on 23.01.2014. In the FIR, it is stated that the petitioner and his brother were going on the said motorcycle and elder brother of the petitioner was riding the vehicle. The said vehicle hit a parked tractor-trailer, because of which the petitioner, who was a pillion rider, fell down and sustained injuries. Nothing is stated in Ex.P.4 regarding the injuries sustained by the rider of the vehicle. It is stated in Ex.P.4 that since the claimant was providing treatment to his brother (petitioner), the complaint was not lodged immediately.



The wound certificate is placed on record at Ex.P.4, it shows that the accident occurred on 23.01.2014 at about 06.45 p.m. It is also pertinent to note that, except for an injury to the abdomen, there were no abrasion injuries on the person. It has not been explained how he could have sustained an injury only to the abdomen. According to the doctor, it was an internal injury. However, the doctor issued a wound certificate as per Ex.P.4, stating that the injury was grievous in nature. The doctor has not referred to any document or subsequent treatment provided to the claimant.

14. It appears that the doctor who has treated the claimant in Government Hospital at Channagiri was examined as RW.2 and during the course of his evidence, a copy of the MLC register was marked as Ex.R.2, which indicates that the accident occurred on 22.01.2014 at about 08.30 p.m. The date of accident in Ex.R.2 and Ex.P.4 are different. As per Ex.R.2, the accident occurred one day prior to the date mentioned in the FIR and in Exs.P.2 and P.4.

15. During course of the arguments, learned counsel for respondent No.1 contends that immediately after the incident,



the claimant was unconscious, and therefore, history of the injury and date of the accident were given to the doctor by some other person. The said contention is not substantiated either in Ex.R.2 or Ex.P.4. RW.2 in his evidence has stated that on 23.01.2014, when he was in the emergency ward, the claimant visited the hospital with a history of injury sustained in an accident and sustained injuries to the left hand. The claimant also informed the doctor that he had earlier undergone surgery for the removal of a kidney stone. Since the claimant had stated that the injury was caused by a self-fall, it was not entered in the MLC register. Subsequently, on 29.05.2014, the claimant filed an affidavit requesting that an MLC be registered. Thereafter, on 02.06.2014, the doctor registered the case as an MLC and issued a wound certificate. Thus, the MLC was registered for the first time on 02.06.2014.

16. The medical officer has no discretion in such matters. If, during treatment, it is brought to the doctor's notice that the injuries were sustained in an accident, it is the duty of the doctor to register the case as an MLC and intimate to the nearest police station. Therefore, the registration of the



MLC in the present case does not appear to be a genuine case; it was registered only at the instance of the claimant.

17. As rightly submitted by the learned counsel for the respondent-insurer, except Ex.P.4, no document issued by Bapuji Hospital, Davanagere, was placed on record to show that the injuries were sustained in a vehicle accident. Considering the nature of the injuries, it is also highly doubtful that such injuries could have been sustained by a pillion rider when the rider of the vehicle allegedly hit a parked tractor-trailer. These materials appear highly suspicious to believe the case of the claimant.

18. According to the charge sheet and enclosure, the tractor-trailer was parked on the side of the road. In the cross-examination of PW.1, he says that the tractor-trailer was parked on the middle of the road without care and caution. The rider of the vehicle was none other than his brother. But he has stated that he came to know from the police that rider of the vehicle had not sustained any injuries and he alone sustained injuries in the said accident. In his further cross-examination, he admitted that he did not file a complaint immediately, as the



accident had occurred due to his own negligence. While this answer was being recorded, the learned counsel for the claimant before the Tribunal intervened, (that is noted in the deposition) and it appears that the witness became alert and then stated that he did not file a complaint immediately as he was undergoing treatment. It is to be noted that it was not necessary for him personally to go to the police station and lodge a complaint; he could have informed the concerned doctor who was providing treatment to him. However, there are no materials on record to show that he made any such statement before the medical officer who treated him at Bapuji Hospital. These circumstances create a serious doubt regarding the alleged occurrence of the accident.

19. It is true that, under normal circumstances, when a charge sheet has been filed, the Tribunal or Court has to prima facie believe that the claimant sustained injuries in a motor vehicle accident. However, such a charge sheet does not constitute un rebuttable evidence. In an appropriate cases, the contesting respondents are at liberty to challenge the same, and in such an event, the Tribunal is bound to examine the



matter carefully. If there are materials indicating that the investigation was not properly conducted, the Tribunal has every right to reject the contents of the charge sheet. In the present case, the Investigating Officer did not ascertain the registration number of the tractor-trailer or investigate any possible damage to the vehicle to corroborate the facts of the case. Moreover, neither the driver nor the owner of the tractor-trailer was cited as a party or even as a witness in the charge sheet. The Investigating Officer also failed to investigate whether the accident occurred due to the negligence of the driver of the tractor-trailer. According to PW.1, the tractor-trailer was allegedly parked on the middle of the road. It is not disputed by the claimant that the rider of the motorcycle did not sustain any injuries. There was no impediment for him to report the matter either to the concerned police station or to the doctor. In Ex.P.4 and Ex.R.2, there is no reference indicating that the rider of the motorcycle had taken the injured to the hospital. It appears that, after the alleged accident, he completely disappeared from the scene of the incident.



20. RW.2 has stated that when the claimant was admitted to the hospital for treatment on 23.01.2014, he informed that he had previously undergone surgery for the removal of a kidney stone. From the contents of the medical records, it appears that the expenses incurred for treatment were related to the consequences of that earlier surgery, and the said amount was spent by the claimant for that purpose. However, the injuries allegedly sustained by the claimant are highly doubtful. In his affidavit as well as in the claim petition, it was contended that he had sustained injuries to his right leg and that his right leg had been amputated. However, no wound certificate supports this claim, and there are no materials on record to show that his right leg was amputated. On the contrary, the photographs produced at Exs.P.9 and P.10 clearly indicate that both his legs are intact. There is also no explanation regarding the initial treatment said to have been taken by the claimant for the alleged injuries. The cumulative effect of all these facts leads to the conclusion that the contention of the appellant deserves to be accepted that the claimant might have sustained the injury in some other incident, but he, in collusion with the police and the owner of



the vehicle, fabricated the story of the accident solely to claim compensation.

21. The Tribunal did not properly consider these facts. It treated the admission of PW.1 as a stray statement and ignored its significance. It may be true that no such specific contention was raised by the insurer in the written statement, and therefore the statement of PW.1 may not strictly amount to an admission. However, it clearly indicates that, since the accident occurred due to his own negligence, he did not inform the doctor about the incident when he went to the hospital for treatment. Even RW.2 has stated that the claimant did not inform him about any accident and told him that the injuries were the result of a self-fall from a motorcycle. Therefore, the evidence of PW.1 in his cross-examination cannot be brushed aside as a stray admission. Considering these facts and circumstances, the findings of the Tribunal are erroneous and calls for interference by this Court.

22. In the result, I proceed to pass the following:



ORDER

- i) The Appeal is ***allowed***.
- ii) The judgment and award dated 20th March 2020, passed in MVC.No.795/2018, by the Senior Civil Judge and JMFC, MACT, Holalkere, is set aside.
- iii) The petition filed under Section 166 of the Motor Vehicles Act stands dismissed.
- iv) Whatever the amount deposited by the appellant shall be refunded on due acknowledgment to the appellant.
- v) Draw award accordingly.

Registry is directed to send back the records along with a copy of this judgment to the concerned Tribunal.

**Sd/-
(UMESH M ADIGA)
JUDGE**

AMA
List No.: 1 Sl No.: 7
CT: BHK