



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3704 OF 2016 (MV-I)

BETWEEN:

MRS UMAVATHY
W/O. SHIVA,
AGED ABOUT 53 YEARS,
R/AT. JAYANTHI NIVAS,
H.NO.28/3A,
ADKATHABAIL ROAD,
KASARGOD, KERALA.

...APPELLANT

(BY SRI. K RAVISHANKAR., ADVOCATE)

AND:

1. HARISH P
S/O. LATE APPU,
AGED ABOUT 53 YEARS,
R/AT. D.NO.17-15-1162,
OPP. DELTA COURT,
KAPRIGUDDA, FALNIR,
MANGALURU-575 001.
2. UMMAR FAROOQ
ADULT,
S/O. SHEIKABBA,
R/AT. KOMBAGURI HOUSE,
KAVOOR VILLAGE & POST,
MANJESHWARA,
KASARAGOD-671 323.
3. NATIONAL INSURANCE COMPANY LTD.,
3RD FLOOR, HIGH LANE PLAZA,
M.G. ROAD, KASARAGOD,
KERALA-671 121.

...RESPONDENTS





(BY SRI. JAYADEEP SINGH, ADVOCATE FOR R1,
SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R3,
V/O DTD: 21.06.2019 NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 29.01.2016 PASSED IN MVC NO.1250/2013 ON THE FILE OF THE III ADDITIONAL DISTRICT JUDGE, MEMBER, MACT-IV, D.K., MANGALORE, AWARDED COMPENSATION OF Rs.5,15,000/- WITH INTEREST @ 6% P.A. ON Rs.4,90,000/- EXCLUDING THE FUTURE MEDICAL EXPENSES, FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Learned counsel for the appellant has filed I.A.No.1/2022 seeking permission to produce the following four documents on record.

"1. True copy of the registration particulars of LMV auto rickshaw bearing No.KL-14-D-4074 dated 05.03.2016 issued by the transport authority.

2. True copy of the fitness certificate of LMV auto rickshaw bearing No.KL-14-D-4074 dated 16.03.2016 issued by the transport authority.



3. True copy of the permit of LMV auto rickshaw bearing No.KL-14-D-4074 dated 16.03.2016 issued by the transport authority.

4. True copy of the driving license particulars of Sri.Munir B. M. dated 18.03.2016 issued by the transport authority."

2. It is stated that the appellant herein was arrayed as respondent No.2 before the Tribunal, being the owner of the autorickshaw bearing registration No.KL-14-D-4074. After the accident, she sold the said vehicle and all the relevant documents, such as the fitness certificate, driving licence and permit, were all valid and proper. But the Tribunal has fixed the liability on her on the ground that she failed to produce the above documents in spite of the order. It is submitted that she had produced the above documents on 11.01.2016 before the Tribunal, but the same has not been considered on the ground that the handwriting therein was not legible. She is a poor, illiterate lady hailing from a rural area and has no financial capacity. Though she had filed the documents before the



Court on 10.07.2018, her previous counsel failed to produce them along with a proper application by way of additional evidence; no issue was framed by the Tribunal regarding liability and there was no wilful default on her part. The documents were not in her custody. Therefore, she has filed the present application seeking permission to produce the said documents.

3. Learned counsel for respondent No.3 has stated that the appeal was filed by the owner of the vehicle being aggrieved by the judgment and award dated 29.01.2016. The additional documents produced by the appellant are photocopies. The Tribunal has not considered the documents produced by her, which is contrary to the records. The appellant failed to produce the requisite documents before the Tribunal even after she was directed to produce the said documents. As such, an adverse inference was rightly drawn against her. It is also submitted that the documents are public documents, she could have been obtained by making an appropriate



application before the concerned RTO during the pendency of the proceedings before the Tribunal. She has not produced any primary or secondary evidence. The authenticity of the documents is unverified. Document No.4 pertains to the driving licence of B. M. Muneer, S/o B. M. Abbas, whereas the driver of the offending autorickshaw at the time of the accident was Mr. Ummar Farooq, S/o Shcikabba and therefore, requested to dismiss the application.

4. On perusal of the records, it is seen that the charge sheet was not filed before the Tribunal. The name of the driver of the offending vehicle is shown as Ummar Farooq and the owner's name is shown as Umavathy. Admittedly, the accident occurred in the year 2010. The MVC petition was filed in the year 2013 and was disposed of in the year 2016. Though directions were issued by the Tribunal, the appellant failed to produce the relevant documents during the three years of pendency of the proceedings. Therefore, the Tribunal held that the



insurance company was not liable to pay the compensation. After passing of the award, the appellant obtained the documents and has now filed the present application seeking permission to produce the same. Therefore, this Court finds it just and reasonable to remand the matter to the Tribunal in order to give a reasonable opportunity to the appellant to produce her case and to decide the matter on merits.

5. Learned counsel for the respondents opposed the same, contending that despite being public documents and despite sufficient opportunity having been granted, the appellant failed to produce them before the Tribunal. Therefore, this Court finds that she is not entitled to interest for the period from 29.01.2016 to 27.02.2026. Accordingly, the following:

ORDER

- i. Appeal and I.A.No.1/2022 are ***allowed***.



- ii. Appellant is permitted to produce the additional documents.
- iii. MVC No.1250/2013 is remanded to the III Additional District Judge, Member, MACT-IV, D.K., Mangalore, with a specific direction to permit both the parties to adduce evidence and to advance arguments and thereafter decide the matter on merits by duly considering the entire evidence on record, within a period of two months from the date of receipt of a copy of this order.
- iv. Registry is directed to send the records to the Tribunal within ten days.
- v. Both parties are directed to appear before the Tribunal on **16.03.2026**.
- vi. Learned counsel for the respondents stated that the appellant obtained the documents two months after the award of the Tribunal and filed the appeal after two years;



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therefore, she is not entitled to interest for
the period from 29.01.2016 to 27.02.2026.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 55