



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.101518 OF 2026 (GM-CPC)

BETWEEN:

NATIONAL INSURANCE CO. LIMITED,
REPTD. BY ITS DIVISIONAL MANAGER, OFFICE:1732,
RAM MANDIR, RAMDEV GALLI, BELAGAVI-590 001,
(INSURER OF MOTOR-CYCLE,
BEARING NO.KA-24/X-2290 AND ITS POLICY
NO.61601031226260000318 AND
ITS VALIDITY FROM 29-07-2022 TO 28-07-2023)
REPRESENTED BY AUTHORIZED SIGNATORY.

...PETITIONER

(BY SRI. S.C. BHUTI, ADVOCATE)

AND:

1. MR. MOULASAB FAKRUSAB MULLA,
AGE. 53 YEARS, OCC. MASON NOW NIL,
R/O. SHREEPATI NAGAR, RAMADURG-591123,
TQ. RAMADURG AND DIST. BELAGAVI.
2. MR. ALLAUDDIN BUDANASAB MUDAKAVI,
AGED ABOUT 42 YEARS, OCC. BUSINESS,
R/O. AT POST. RADHAPUAR PETH,
RAMDURG-591123, TQ. RAMADURG
AND DIST. BELAGAVI.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING ISSUE WRIT OF CERTIORARI OR ANY SUCH WRIT OR DIRECTION TO (A) (A) QUASH THE IMPUGNED ORDER PASSED ON I.A.NO. VII IN MVC NO.2494/2022 PENDING ON THE FILE OF THE COURT OF IV ADDL. DIST. AND SESSIONS JUDGE, BELAGAVI DATED 19.11.2025 VIDE ANNEXURE 'K' IN THE INTEREST OF JUSTICE AND EQUITY. (B) PASS SUCH ORDER OR ORDERS WHICH THIS HON'BLE COURT DEEMS FIT AND NECESSARY UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.





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

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed by the insurance company aggrieved by an order passed on IA No.7 dated 19.11.2025 in MVC No.2494/2022, by the IV Addl. District and Sessions Judge, Belagavi.

2. The petitioner/Insurance Company had filed IA No.7 under Order XVI Rules 1 and 6 read with Section 151 of CPC to examine the Investigating Officer in relation to the complaint and the said application came to be dismissed by order impugned. The Tribunal while dismissing the application had considered the case reported in AIR 2024 SC 796 and in view of the said citation, the Tribunal was of the opinion that respondent No.2 has not made out sufficient grounds to grant order in their favour and dismissed the IA No.7.

3. Learned counsel appearing for the petitioner/insurance company submits that the claimant is denying the statement that is given to the police, basing on



which a charge sheet is filed by the police. In fact, the claimant had questioned the charge sheet before the Court and obtained a stay. In that view of the matter, it is necessary to examine the Investigating Officer. The Tribunal had failed to consider the same and dismissed the application.

4. Having heard the learned counsel for the petitioner, perused the material on record. The contents of the charge sheet are in support of the case of the insurance company. Now that charge sheet is questioned before High Court and the Court had granted stay in the said case. No useful purpose would be served by examining the Investigating Officer. Even if the Investigating Officer is examined, the claimant will stick to his stand and the Investigating Officer would depose before the Tribunal in accordance with the charge sheet, which is stayed by this Court. In these circumstances, the Tribunal had rightly dismissed the application. This Court finds no reason to interfere. Accordingly, this Court proceeds to pass the following:



ORDER

- i) The writ petition is ***dismissed***.
- ii) All pending I.A.s in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

JTR
CT: UMD
List No.: 1 SI No.: 34