



HC-KAR

NC: 2026:KHC-D:4514
MFA No. 101689 of 2015

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

MISCELLANEOUS FIRST APPEAL NO.101689 OF 2015 (MV-I)

BETWEEN:

SHRI SHASHANK SHAILENDRA TERDAL,
AGE: 25 YEARS, OCC: STUDENT,
R/O. 24, POLICE HEAD QUARTERS, BELAGAVI.
FOR SELF AND FOR PA HOLDER OF
MR. SANJAY LAXMAN CHAVAN,
AGE: 34 YEARS, OCC: BUSINESS,
R/O. KILLUR BUILDING, LAXMI NAGAR,
NEAR GURUPRASAD COLONY, WATER TANK, BELAGAVI.

...APPELLANT

(BY SRI VITTHAL S. TELI, ADVOCATE)

AND:

1. MR. M. RAMDAS S/O MURTHUSWAMY,
AGE: MAJOR, OCC: BUSINESS,
R/O. OTTAKULAM, KUDUR,
VESNAM, [PO] NAMAKAL-TAMIL NADU.
2. ROYAL SUNDARAM ALLIANCE INSURANCE LTD.,
3RD FLOOR, SUBRAMANYAM BUILDING, NO.1,
CLUB HOUSE ROAD, CHENNAI-600002.

...RESPONDENTS

(BY SRI GN RAICHUR, ADVOCATE FOR R2-ABSENT;
NOTICE TO R1 IS SERVED)

THIS MFA FILED UNDER SECTION 173(1) OF M.V. ACT,
AGAINST THE JUDGMENT AND AWARD DATED 12.02.2015, PASSED IN
MVC NO.578/2011 ON THE FILE OF THE I ADDITIONAL DISTRICT
JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL-II, BELAGAVI,
DISMISSING THE PETITION FILED UNDER SECTION 166 OF M.V. ACT
& ETC.

THIS MFA COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 12.02.2015 passed by I Additional District Judge & MACT-II, Belagavi in MVC no.578/2011, this appeal is filed.

2. Sri Vitthal S. Teli, learned counsel for appellant submits that, appeal was by claimant challenging dismissal of claim petition. It was submitted, on 09.11.2011, claimant along with others were travelling in a Tata Indica Car no.KA-22/A-8350 belonging to Sanjay Laxman Chavan from Belagavi towards Hubballi, when driver of Truck no.TN.28/P.4577 drove it in a rash and negligent manner and dashed against car. In accident, claimant Shashank S. Terdal sustained grievous injuries. Claiming that owner had appointed claimant as Power of Attorney in respect to claims for damages, claim petition was filed on his own behalf as well as on behalf of owner of car. And despite service of notice, owner did not appear and was placed *ex parte*. Only insurer of lorry opposed claim on all counts.



3. Other claim petitions arising out of same accident were clubbed. Based on pleadings, Tribunal framed issues and recorded evidence.

4. Claimants examined themselves as PWs1 to PW5 and got marked Exs.P1 to P19. Respondent-insurer did not lead evidence, but got marked copy of insurance policy as Ex.R1 with consent. On consideration, tribunal dismissed claim petition. Aggrieved, appeal was filed.

5. At outset, learned counsel for claimant sought to contend that claim petition was filed not only for compensation due to injuries sustained in accident but also for vehicle damages filed on behalf of owner of vehicle namely Sanjay Laxman Chavan. Merely on ground that claim petition was filed in name of claimant himself, ignoring that it was filed not only for self but as Power of Attorney holder of RC owner, Tribunal dismissed claim petition on technicality. It was submitted, even in case this Court were to dismiss, liberty could be granted for filing of claim petition by RC owner himself for vehicle damages against insurer of offending lorry. It was further submitted, while dismissing claim petition, other reason assigned by Tribunal was that



damages for which compensation was sought were not in consonance with damages noted by Motor Vehicle Inspector, whose report was marked as Ex.P4. It was submitted that said observation would be contrary to material on record. It was submitted that damages noted on vehicle were very much in consonance with Motor Vehicles Inspector's report and sought for reversal of finding by awarding appropriate compensation and prayed for allowing appeal.

6. None appears for respondents.

7. Heard learned counsel, perused impugned judgment, award and record.

8. From above, since only claimant is in appeal against dismissal of claim petition, points that arise for consideration are:

i. Whether dismissal of claim petition calls for interference by this Court?

ii. If so, what compensation to be awarded?

9. **Points no.1 & 2** : At outset it has to be noted, there is no dispute that RC owner of car as on date of accident was one



Sanjay Laxman Chavan. There is also no dispute about said vehicle meeting with accident on 09.11.2011 on Belagavi-Hubballi National Highway after collision with lorry owned by respondent no.1 and insured with respondent no.2. Claim petition was filed seeking compensation for injuries sustained by claimant as well as for damages sustained by car belonging to Sanjay Laxman Chavan.

10. There is no dispute about fact that claim for damages can be filed only by RC owner. Even if claimant was a Power of Attorney holder of RC owner, he ought to have filed petition for compensation and pursue same on behalf of RC owner. Unfortunately, even copy of Power of Attorney has not been got marked by claimant. Besides, claim petition is filed in name of claimant himself. Therefore at best, claim petition could be considered as a personal injury claim petition and dealt with as such.

11. While passing impugned award, Tribunal noted that Ex.P5, Ex.P16 to Ex.P18, wound certificates relied upon by claimants did not record any external injuries to claimant. Consequently, dismissal of claim petition by Tribunal insofar as



personal injury claim cannot be stated to be suffering from any perversity calling for interference.

12. For aforesaid reasons appeal would not sustain. Though liberty is prayed to file application for compensation on behalf of RC owner, appeal having been pending for 11 years and 15 years having lapsed after occurrence of accident.

13. Owner being fully aware of his rights and obligations merely executed Power of Attorney and failed to ensure filing of appropriate petition. Therefore, liberty cannot be granted after such long period of time, which would gravely prejudice respondents. Points no.1 and 2 are answered accordingly and appeal is dismissed.

Sd/-
(RAVI V.HOSMANI)
JUDGE