



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO.200741 OF 2024 (MV-I)

BETWEEN:

THE TATA AIG GENERAL INSURANCE
COMPANY LIMITED.,
THROUGH ITS MANAGER,
ASIAN BUSINESS CENTRE, ASIAN MALL,
AIWAN E SHAHI ROAD, KALABURAGI-585 102,
REPRESENTED BY DULY CONSTITUTED,
ATTORNEY, BENGALURU.

...APPELLANT

(BY SRI S. S. ASPALLI, ADVOCATE)

AND:

1. BASAVARAJ S/O SHANTLIGAYYA,
AGE: 24 YEARS, OCC: COOLIE WORK,
R/O KATTALLI,
TQ. AND DIST. KALABURAGI-585 101.
2. SHANKRAYYA S/O BASAYYA YAKKANACHI,
AGE: MAJOR, OCC: BUSINESS AND OWNER OF HERO
MOTORCYCLE BEARING NO.KA 32/EQ-1165,
R/O YAKKANACHI,
TQ. AND DIST. KALABURAGI-585 102

...RESPONDENTS

(BY SRI BABU H. METAGUDDA, ADVOCATE FOR R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE





JUDGMENT AND AWARD DATED 24.08.2023 IN MVC NO.1040/2019 PASSED BY THE III ADDL. SENIOR CIVIL JUDGE AND MACT KALABURAGI, BY ALLOWING THE ABOVE APPEAL.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. This appeal is preferred by Insurance Company, assailing the judgment and award dated 24.08.2023 in MVC No.1040/2019, on the file of the Motor Accident Claims Tribunal and learned Additional Senior Civil Judge at Kalaburagi (hereinafter referred to as 'Tribunal'), awarding compensation.

3. This appeal is preferred by the Insurance Company, assailing the judgment and award on the ground of non-involvement of the vehicle in question as well as quantum of compensation awarded by the Tribunal.



4. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the material on record, it would indicate that, the claimant was pillion rider in a motorcycle bearing registration No.KA-32/EQ-1165, belonging to respondent No.2 herein. Perusal of the record would also indicate that, on account of the negligence on the part of the rider of the motorcycle, the claimant fell down and sustained grievous injuries. The same is forthcoming from the Exs.P5 to P7. Therefore, the dispute as to the liability cannot be accepted.

5. Insofar as award of compensation is concerned, by looking into the material on record as well as the evidence of PW.2, wherein, it is stated that, the claimant has sustained grievous injuries and further, the claimant was hospitalized for a period of five days. The said fact would indicate that, the award of compensation by the Tribunal is just and proper and does not call for interference in this appeal.



NC: 2026:KHC-K:1137
MFA No. 200741 of 2024

Accordingly, the appeal is dismissed.

The amount in deposit, if any, be transmitted to the
Tribunal.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 2
CT:PK