



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO. 200955 OF 2019 (MV-D)

C/W

MISCL. FIRST APPEAL NO. 202132 OF 2019 (MV-D)

IN MFA No. 200955/2019:

BETWEEN:

1. SMT. REKHA
W/O RAMACHANDRA NANAVRE,
AGED ABOUT 36 YEARS, OCC: H H WORK.
2. KUM. TANVEER D/O RAMACHANDRA NANAVARE,
AGED ABOUT 15 YEARS, OCC: STUDENT.
3. KUM. AMRUTA D/O RAMACHANDRA NANAVARE,
AGED ABOUT 9 YEARS, OCC: STUDENT.
4. SMT. DWARAKABAI W/O BABUNANNAVARE,
AGED ABOUT 66 YEARS, OCC: NIL,

MINORS REP. APPELLANT NO.1
ALL ARE R/O WAKARI, TQ. PANDRAPUR,
DIST. SOLAPUR.
NOW R/O DHOBAL GALLI, VIJAYAPUR.

...APPELLANTS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE)

Digitally signed
by LUCYGRACE
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC-K:1110
MFA No. 200955 of 2019
C/W MFA No. 202132 of 2019

AND:

1. SATISH BHAIRU RAUT,
AGED ABOUT 32 YEARS, OCC: BUSINESS,
R/O WAKHARI, TQ. PANDHARPUR,
DIST. SOLAPUR-413 304.
(OWNER OF M/CYCLE NO. MH-13/BB-2433).
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
S.S.FRONT ROAD, VIJAYAPURA-586 101.

...RESPONDENTS

(BY SRI S.S. ASPALLI, ADVOCATE FOR R2;
R1 NOTICE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE
JUDGMENT AND AWARD DATED 06.10.2018 PASSED BY THE
MACT-IV VIJAYPAUR IN MVC NO.1141/2013 AND AWARD THE
COMPENSATION AS PRAYED FOR IN THE ORIGINAL CLAIM
PETITION.

IN MFA NO. 202132/2019:

BETWEEN:

THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO.LTD.,
S.S. FRONT ROAD, BIJAPUR.

...APPELLANT

(BY SRI. S. S. ASPALLI, ADVOCATE)

AND:

1. SMT. REKHA
W/O RAMCHANDERA NANNAVARE,
AGE: 36 YRS, OCC: HOUSEHOLD.



NC: 2026:KHC-K:1110
MFA No. 200955 of 2019
C/W MFA No. 202132 of 2019

2. TANAVEER
D/O RAMCHANDRA NANNAVARE,
AGE: 15 YRS, OCC: STUDENT.
3. AMRUTA D/O RAMCHANDERA NANNAVARE,
AGE: 8 YRS, OCC: STUDENT,
PETITIONER NO.2 & 3 ARE MINOR,
R/BY THEIR NEXT FRIEND MOTHER,
RESPONDENT NO. 1.
4. SMT. DWARAKABAI W/O BABU NANNAVARE,
AGE: 67 YRS, OCC: NIL,
ALL R/O WAKARI, TQ. PANDHARPUR,
DIST. SOLAPUR.
NOW R/AT DHOBAL GALLI, BIJAPUR-586 104.
5. SATISH BHAIRU RAUT,
AGE: 31 YRS, OCC: BUSINESS,
R/O WAKHARI TQ.PANDHARPUR,
DIST. SOLAPUR-413 004.

...RESPONDENTS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE
FOR R1 TO R3;
R4 AND R5 SERVED
R2 AND R3 ARE MINOR REPRESENTED BY R1;)

THIS MFA IS FILED UNDER SECTION 173 (1) OF THE
MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE
JUDGMENT AND AWARD DATED 06.10.2018 IN MVC
NO.1141/2013 PASSED BY THE II ADDL. DISTRICT AND
SESSIONS JUDGE AND MACT-VI, VIJAYAPUR, BY
ALLOWING THE ABOVE APPEAL.

THESE APPEALS, COMING ON FOR FURTHER HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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



ORAL JUDGMENT

1. Heard the learned counsel for the parties.

2. These appeals are arising out of the Judgment and award dated 06.10.2018 passed in MVC No.1141/2013 on the file of the Motor Accident Claims Tribunal, Vijayapura (for short 'the Tribunal'), awarding compensation to the claimants.

3. For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.

4. It is the case of the claimants that, on 22.03.2012, the deceased Ramachandra Nannavare (husband of the claimant No.1) was proceeding in the bike bearing registration No.MH-13/B-2433 as a pillion rider and on account of the negligent driving on the part of the rider of the bike in question, the bike fell down on the road and as a result the husband of the claimant No.1-deceased Ramachandra sustained grievous injuries and taken to ICU Medicare, pandharapur. Thereafter, the husband of the claimant No.1-Ramachandra succumbed to the injuries on



17.06.2012. Hence, the claimants have preferred MVC No.1141/2013 seeking compensation.

5. After service of notice, the respondent No.1-owner of the motorcycle placed ex-parte. The respondent No.2-Insurance company filed detailed written statement denying the averments made in the claim petition.

6. In order to establish their case, the claimant No.1 examined herself as P.W.1 and marked 11 documents and the same were marked as Ex.P.1 to Ex.P.11. The respondent-Insurance company has examined its Law Officer as R.W.1 and marked Ex.R.1-Insurance policy.

7. The Tribunal after considering the material on record by its Judgment and award dated 06.10.2018 awarded compensation of Rs.11,16,000/- along with interest at the rate of 6% per annum from the date of petition till the date of realization. Feeling aggrieved by the impugned Judgment and award made by the Tribunal on liability, the Insurance company has preferred MFA No.202132/2019 and



the claimants have preferred MFA No.200955/2019, seeking enhancement of compensation.

8. Heard Sri.S.S.Aspalli, learned counsel for the Insurance company and Smt. Ratna N.Shivayogimath, learned counsel appearing for the claimants.

9. Sri. S.S.Aspalli, learned counsel appearing for the Insurance company contended that, the bike in which the deceased was travelling was being driven in a rash and negligent manner. He submits that, there were two pillion riders and on account of the negligent riding of the bike in question, the alleged accident has occurred and that apart, it is principal submission of the learned counsel for the Insurance company that, the complaint was lodged after a lapse of two months from the date of the alleged accident and therefore, the claim petition is imaginary and the said aspect has not been considered by the Tribunal and therefore, sought for interference of this Court.

10. Per contra, Smt. Ratna N.Shivayogimath, learned counsel appearing for the claimants sought to justify the



liability on the part of the rider of the motorcycle and further contended that, the award of compensation awarded by the Tribunal requires to be enhanced in their appeal.

11. In the light of the submission made by the learned counsel appearing for the parties, it is not in dispute as per the records that, there were two pillion riders in the motorcycle bearing registration No.MH-13/B-2433 which met with accident on 22.03.2012 in which the husband of the claimant No.1-Ramachandra succumbed to the injuries on 17.06.2012.

12. In view of the submission made by the learned counsel appearing for the Insurance company on careful consideration of the record would indicate that, the alleged accident was occurred on 22.03.2012 and the complaint was lodged on 01.05.2012 as per Ex.P.1. It is also to be noted from the complaint that there were two pillion riders, namely Sri.Harishchandra Chavan and Sri.Ramachandra Nannavare and the rider of the bike was Sri.Bhairu Raut.



13. It is also forthcoming from the Accident Report Form, wherein the IMV report reflects that, no damage is caused to the motorcycle. In that view of the matter, I am of the view that, it is a case of imaginary and the claimants have preferred the claim petition falsely implicating the motorcycle in question to make unjust gain from the respondent-Insurance. It is also to be noted that, the owner of the motorcycle has been served in the claim petition and he remained absent and accordingly placed ex-parte and the said fact cannot be brushed aside.

14. Taking into consideration the material on record, I am of the view that, the claim petition has been filed before the Tribunal fraudulently to seek the compensation by implicating the vehicle in question and in the light of the observation made above, I pass the following:

ORDER

- (i) MFA No.202132/2019 is allowed in part;
- (ii) MFA No.200955/2019 is dismissed;



NC: 2026:KHC-K:1110
MFA No. 200955 of 2019
C/W MFA No. 202132 of 2019

(iii) The Judgment and award dated 06.10.2018 passed in MVC No.1141/2013 by the Motor Accident Claims Tribunal, Vijayapura is hereby set aside and the claim petition filed by the claimants is dismissed;

(iv) The amount in deposit made by the Insurance company be refunded to the appellant- Insurance company after due identification.

Sd/-
(E.S.INDIRESH)
JUDGE

SVH
List No.: 1 SI No.: 59
CT:PK