



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.202278 OF 2018 (MV-I)

BETWEEN:

1. ABDULGANI
S/O AMONUDDIN MULANI,
AGE: 53 YEARS,
OCC: EARLIER CONDUCTOR IN MSRTC,
SOLAPUR DEPOT,
NOW DEMOTED TO THE POST OF PEON,
R/O PILIVE, TQ. PANDHARPUR,
DIST. SOLAPUR-413 001.

...APPELLANT

(BY SRI. BAPUGOUDA SIDDAPPA, ADVOCATE)

AND:

1. SRI. GURPREET SINGH
S/O LAJPAL SINGH RAJPAL,
AGE: 51 YEARS,
OCC: TRANSPORT BUSINESS,
R/O NO.83, MALIK RAM VILLA,
SOPAN BAUGH, GHORPADI GAON,
HADAPSE, PUNE, DIST: PUNE-411 028
(MAHARSHTRA STATE).
2. THE MANAGER LEGAL,
THE ICICI LOMBARD GENERAL INSURANCE CO. LTD.,
NEAR POLYTECHNIC HOSTEL, BAGALKOT ROAD,
VIJAYAPUR-586 101.





3. THE DIVISIONAL CONTROLLEER,
MSRTC, SOLAPUR-413 001.

...RESPONDENTS

(BY SRI. MANJUNATH MALLAYYA SHETTY, ADVOCATE FOR R2;
SRI RAHUL R. ASTURE, ADVOCATE FOR R3;
R1-SERVED)

THIS MFA IS FILED U/S. 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 13.04.2017 PASSED IN MVC NO.1449/2012 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL NO.V, VIJAYAPURA AND ALLOW THE APPEAL AND TO GRANT THE COMPENSATION AMOUNT OF RS.13,20,000/- ONLY AS CLAIMED BY THE APPELLANTS BEF

THIS APPEAL COMING ON FOR FINAL HEARING, 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 the claimant, assailing the judgment and award dated 13.04.2017 on the file of the Principal Senior Civil Judge and MACT-V, Vijayapura, dismissing the claim petition.

3. It is argued by Sri Bapugouda Siddppa, learned counsel appearing for the appellant that, the Tribunal has



wrongly dismissed the claim petition, which is filed under Section 163-A of the Motor Vehicles Act and therefore, the impugned judgment and award passed by the Tribunal requires reconsideration in this appeal.

4. Per contra, Sri Manjunath Mallayya Shetty, learned counsel appearing for respondent No.2 and Sri Rahul R. Asture, learned counsel appearing for respondent No.3 argued that, the claimant was working as a conductor in MSRTC, Solapur Depot and the annual income of the claimant was above Rs.40,000/-. Therefore, sought for dismissal of the appeal.

5. In the light of the submissions made by the learned counsel appearing for the parties, as the claimant was continued to work as a conductor even after the occurrence of the accident and his annual income is more than Rs.40,000/-, the claim petition filed under Section 163-A of the Motor Vehicles Act is not maintainable as to award compensation insofar as the loss of income of the claimant is concerned. Therefore, the judgment and award



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passed by the Tribunal is just and proper and no interference is called for in this appeal. Accordingly, the appeal is ***dismissed***.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 26