



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201049 OF 2021 (MV-D)

BETWEEN:

MADHUKAR S/O CHANDRAKANTH
@CHANDAER RAO,
AGED ABOUT 44 YEARS, OCC: NIL,
R/O H.NO. 154, VILLAGE HONNIKERI
AND THANDA, TQ. AND DIST. BIDAR,
NOW AT H.NO. 14-10-142/1
MANGALHAT, JALI HANUMAN, PURANA PHOOL,
DHULPET, HYDERABAD, STATE TELANGANA.

...APPELLANT

(BY SMT. VEERANI V. NANDI, ADVOCATE)

AND:

1. MRS. S. MONIKA W/O VIJAYPRAKASH,
H.NO. 8-3-230/A/1/4,
SRI SAI RAM SCHOOL LAN, VENKATAGIRI,
KHAIRTABAD, HYDRABAD,
STATE TELANGANA-500004.
OWNER OF MARUTI 800 CAR BEARING
REG. NO.AP-11/L-3708.
2. THE MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
1-7-96, KMR PLAZA, 1ST FLOOR,
KAMALANAGER, EGIL,
POST HYDRABAD- 560 062,
TELANGANA,





NC: 2026:KHC-K:1809
MFA No. 201049 of 2021

REPRESENTED BY ITS BRANCH,
UNITED INDIA INSURANCE COMPANY LIMITED,
BASAVASHREE COMPLEX,
INFRONT OF GUDGE HOSPITAL, BIDAR-585101.

...RESPONDENTS

(BY SMT. SANGEETA BHADRASHETTY, ADVOCATE FOR R2;
V/O DTD.01.04.2025 NOTICE R1 IS HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
SET ASIDE THE JUDGMENT AND AWARD DATED 15.12.2020
PASSED BY THE COURT OF ADDL. SENIOR CIVIL JUDGE AND
MACT, AT BIDAR IN MVC NO.616/2017 AND CONSEQUENTLY
ALLOW THE PRESENT APPEAL THEREBY ENHANCE THE
COMPENSATION RS.15,00,000/- AS CLAIMED IN THE PRESENT
APPEAL AND PASS AN ORDER AS TO COSTS OF THE PRESENT
APPEAL.

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

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

ORAL JUDGMENT

This appeal is preferred by the claimant, challenging
the judgment and award dated 05.12.2020 in MVC
No.616/2017, on the file of the Additional Senior Civil
Judge and MACT, Bidar (hereinafter referred to as
'Tribunal'), dismissing the claim petition.



2. The relevant facts for adjudication of this appeal are that, on 03.12.2016, the father of the claimant - Chandrakant @ Chander Rao was proceeding to his house as pedestrian and when he was crossing the road near Lalbhagh village on Bidar – Bhalki road, one Maruti Car bearing registration No.AP-11/L-3708 dashed to the motorcycle bearing chassis No.ME4J651AG7277995 and thereafter, dashed to the father of the claimant. On account of the said accident, the father of the claimant has sustained for grievous injuries and as such, the father of the claimant was inpatient from 03.12.2016 to 16.12.2016 at Government Hospital, Bidar. Thereafter, he discharged from the hospital and on account of the complications in the health, the father of the claimant died on 20.12.2016. Hence, the claimant has preferred MVC No. 616/2017, seeking compensation.

3. The claim petition was contested by respondent No.2 – Insurance Company. The Tribunal after considering the material on record has dismissed the claim petition on



the ground that, there is no nexus as to the occurrence of the accident and the death of the deceased and therefore, the claimant has preferred this appeal.

4. I have heard Smt.Veerani V. Nandi, the learned counsel appearing for the appellant/claimant and Smt.Sangeeta Bhadrashetty, the learned counsel appearing for respondent No.2 – Insurance Company.

5. It is argued by the learned counsel appearing for the appellant/claimant that, there is no dispute as to the occurrence of the accident on 03.12.2016. The jurisdictional Police have registered a case against the driver of the car. It is also stated that, immediately after the accident, the father of the claimant was admitted to the hospital and after treatment for a period of nine days, he was discharged, however, he died on 20.12.2016 and therefore, the death was on account of the injuries sustained by him in the alleged accident. In this regard, the claimant has examined five doctors as to prove the



alleged accident and the same was not appreciated by the Tribunal. Therefore, she sought for interference of this Court.

6. *Per contra*, the learned counsel appearing for respondent No.2 - Insurance Company sought to justify the impugned judgment and award made by the Tribunal.

7. In the light of the submission made by the learned counsel appearing for the parties, on perusal of the records, it would indicate that, there is no dispute as to the occurrence of the accident on 03.12.2016, in which the father of the claimant was pedestrian and was hit by the Maruti Car bearing registration No.AP-11/L-3708. In this regard, the charge sheet has been laid against the driver of the car. It is to be noted that, immediately after the accident, on 03.12.2016, the father of the claimant got admitted to the Government Hospital at Bidar and he was discharged from the hospital on 16.12.2016. The father of the claimant died on 20.12.2016 i.e., after four days from



the date of his discharge. The perusal of the finding recorded by the Tribunal, wherein, the Tribunal has not considered the deposition of the doctors, who have stated that, the father of the claimant was aged about 65 years and on account of the injuries sustained in the alleged accident, the father of the claimant died.

8. In this regard, on careful examination of the evidence of PW.3 to PW.7 makes it clear that, the death of the father of the claimant was on account of the mental agony caused on account of the alleged accident as well as severe injuries to the body and the said aspect has been mechanically brushed-aside by the Tribunal, which required to be set aside in this appeal. It is to be noted that, though the finding recorded by the Tribunal that, a person can live a long life even after the accident, however, by looking into the age of the father of the claimant at the time of the accident i.e., 65 years and that apart, the mental agony caused on account of the alleged accident would definitely affect the health and mental



agony of the deceased. In that view of the matter, taking into consideration the deposition of PW.3 to PW.7, I am of the view that, the Tribunal has committed an error in dismissing the claim petition.

9. Accordingly, I pass the following:

ORDER

- I. The appeal is allowed.
- II. The judgment and award dated 05.12.2020 in MVC No.616/2017, on the file of the Additional Senior Civil Judge and MACT at Bidar, is hereby set aside and the matter is remitted to the Tribunal for quantification of compensation.
- III. Since the parties are represented through their learned counsel, they are directed to appear before the Tribunal on 23.03.2026 at 11.00 a.m. and on their appearance, the Tribunal is requested to dispose of the claim petition at the earliest.



IV. It is open for the parties to adduce further evidence and make necessary application, if so warrants in the circumstances of the case.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 17
CT:PK