



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4545 OF 2016 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4546 OF 2016 (MV-I)

IN MFA No. 4545/2016

BETWEEN:

SRI. S. RAMESH
S/O SAGAYA GOUNDAR,
AGED ABOUT 35 YEARS,
R/AT NO.119, 3RD CROSS,
VIJAYANAGAR, WHITEFIELD,
BANGALORE-560 066.

...APPELLANT

(BY SRI. GURUDEV PRASAD K T., ADVOCATE)

AND:

1. SRI. K P JAYARAM
NO.18, RUTLAND GATE,
4TH STREET, NEMGEMBAKHAM,
CHENNAI DISTRICT,
TAMIL NADU.

2. THE UNITED INDIA INSURANCE
COMPANY LIMITED,
DIVISIONAL OFFICE VI,
NO.89/1, 2ND FLOOR,
11TH CROSS, SAMPIGE ROAD,
MALLESWARAM,
BANGALORE-560 003.
BY ITS MANAGER

...RESPONDENTS





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MFA No. 4545 of 2016
C/W MFA No. 4546 of 2016

(BY SRI. Y P VENKATAPATHI., ADVOCATE FOR R2,
V/O DTD: 29.03.2019, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 11.08.2015 PASSED IN MVC
NO.1420/2007 ON THE FILE OF THE XIII ADDITIONAL SMALL
CAUSES JUDGE, MEMBER, MACT, COURT OF SMALL CAUSES,
BENGALURU, DISMISSING THE CLAIM PETITION FOR
COMPENSATION.

IN MFA NO. 4546/2016

BETWEEN:

SMT. BHAGYAMMA
W/O SAGAYA GOUNDAR,
AGED ABOUT 54 YEARS,
R/AT NO.119, 3RD CROSS,
VIJAYANAGAR,
WHITEFIELD,
BANGALORE-560 066.

...APPELLANT

(BY SRI. GURUDEV PRASAD K T., ADVOCATE)

AND:

1. SRI. K P JAYARAM
NO.18, RUTLAND GATE,
4TH STREET,
NEMGEMBAKHAM,
CHENNAI DISTRICT,
TAMIL NADU.

2. THE UNITED INDIA INSURANCE
COMPANY LIMITED,
DIVISIONAL OFFICE VI,
NO.89/1, 2ND FLOOR,
11TH CROSS, SAMPIGE ROAD,
MALLESWARAM,
BANGALORE-560 003.
BY ITS MANAGER



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...RESPONDENTS

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE,
SRI. Y.P. VENKATAPATHI, ADVOCATE FOR R2,
V/O DTD: 29.03.2019, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED:23.11.2009 PASSED
IN MVC NO.1421/2007 ON THE FILE OF THE XIII
ADDITIONAL SMALL CAUSES JUDGE, MEMBER, MACT,
COURT OF SMALL CAUSES, BANGALORE, DISMISSING THE
CLAIM PETITION FOR COMPENSATION.

THESE APPEALS HAVING BEEN HEARD AND RESERVED
ON 05.02.2026 COMING ON FOR PRONOUNCEMENT OF
JUDGMENT THIS DAY, **P SREE SUDHA J.**, DELIVERED THE
FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

CAV JUDGMENT

These appeals are filed against the common order dated
11.08.2015 passed by the XIII Addl. Small Causes Judge &
MACT in MVC Nos.1420 and 1421 of 2007.

2. MFA No.4545/2016 is filed against the order of the
Tribunal in MVC 1420/2007 and the claimant in MVC
No.1421/2007 preferred MFA No.4546/2016. Injured claimants
met with an accident on 19.12.2006 and filed claim petitions
claiming compensation of 5 lakhs and 1 lakh respectively. The



Tribunal considered the entire evidence on record and dismissed the claim petitions.

3. Aggrieved by the said order, they preferred appeals and mainly contended that the Tribunal dismissed the entire claim petitions without awarding any compensation solely on the ground that the petitioners failed to prove involvement of the insured car bearing registration No.TN-01-Q-8399 without answering other issues.

4. Sri K.T.Gurudev Prasad, learned counsel for the appellants contended that the petitioner gave complaint on 19.12.2006 itself immediately after the accident without any delay. In the complaint, the vehicle number is shown as TN-01-Q-9233, which is a mistake. Admittedly, it is Tata Indica car bearing registration number TN-01-Q-8399. PW5, RTO official from Tamil Nadu specifically stated that there is no such vehicle bearing registration number TN-01-Q-9233 and the vehicle, Tata Indica car bearing registration number is only TN-01-Q-8399, which is a crucial evidence. Initially based on the said evidence, Tribunal ought to have concluded that the vehicle involved in the accident is TN-01-Q-8399. Merely because there



was some mistake in the FIR, the same cannot be a ground to deny the compensation by dismissing the claim petitions. Therefore, he requested to set aside the order of the Tribunal.

5. The case of the petitioners is that petitioner in MVC No.1420/2007 is the rider and petitioner in MVC No.1421/2007 is the pillion rider. While they were proceeding on a motorcycle bearing registration number KA-53-H-220 on the left side of the ITPL road and reached near Kendriya Ugrana Samste, the car bearing registration No.TN-01-Q-8399 came from opposite direction in rash and negligent manner without giving any signal suddenly took right turn and dashed against their motorcycle. As a result, they sustained injuries.

6. First respondent is the owner and second respondent is insurer of the offending vehicle and both of them are jointly liable to pay the compensation. First respondent remained ex parte. The second respondent in its objections denied the involvement of the vehicle, that the car driver did not possess valid and effective driving licence and the car was also not having valid and effective documents in force as on the date of accident which amounts to breach of policy conditions.



They have disputed the involvement of the car itself and further stated that there is contributory negligence on the part of the rider of the motorcycle.

7. The rider and pillion rider were examined as PWs.1 and 2. The Record keeper of Vydehi Hospital is examined as PW3 and 20 documents are marked. Respondent No.2 examined their administrative officer as RW.1 and filed Ex.R4 policy copy. Accident took place on 19.12.2006 at 08.20 a.m. and complaint was given on the same day at 06.30 p.m. in which the vehicle number is shown as TN-01-Q-9233. ExR2 is the spot mahazar which was conducted on the same day between 06.30 p.m. to 07.30 p.m. in which it was stated that both the vehicles viz., motorcycle bearing No.KA 53-H-220 and car bearing No.TN-01-Q-9233 were not at the spot. Ex.R3 is the spot sketch where the car number is shown as 9233. The Tribunal observed that these important documents were not filed by the claimants before the Court.

8. The petitioner produced additional documents Ex.P18 to P20. P18 is certified copy of the notice issued by police to the RC owner. In that initially it was written as 9233



which was strike off and re-written as 8399. Ex.P19 and P20 are bail bond and IMV report dated 08.02.2007 and 09.02.2007 respectively and they are filed after 2 months of the accident in which the vehicle number is shown as 8399. Though in the initial records the vehicle number is shown as 9233, charge sheet is filed against 8399. But the Investigating Officer is not examined and the driver of the vehicle was also not examined.

9. Perusal of the order shows that initially it was dismissed on 23.11.2009 against which the claimants preferred appeals in MFA Nos.7978/2010 and 7980/2010 and by the order dated 03.02.2015 the matters are remanded back for fresh consideration. As per the direction, the petitioner in MVC No.1420/2007 was recalled. He filed his affidavit evidence, got marked Ex.P21 and examined PW.5/Junior Assistant working as RTO, Chennai and he produced Exs.P22 to P24. Learned counsel for respondent No.2 reported that he has no further evidence. As such the Tribunal considering the arguments of both sides and appreciating the entire evidence on record, dismissed the claim petitions again. Aggrieved by the said order, the claimants preferred these appeals.



10. PW5/Junior Assistant of RTO, Chennai stated that there is no such vehicle bearing number 9233 and he further explained that usually in their State such numbers with a total of 8 will not be registered. But he has not filed any supporting document to substantiate his version. No eye witness was examined.

11. PW.1 in his cross-examination stated that Ex.P21 is the B extract of the vehicle bearing number 8399. He further stated that he does not know who has strike off the number 9233 and written 8399 in Ex.P18 and 18(a). In the evidence he stated that he went to the police station after 3 or 4 days of the accident and has seen the car. Then only he gave the correct vehicle number as 8399. Again he stated that he went to the police station only after 2 months and by that time, car was there and then he changed the vehicle number. He further stated that he called the lady driver of the car viz., Deepa Sreenivasan and mentioned the number initially as TN-01 Q 9233 and later rectified it as TN 01 Q 8399 and he has not produced any notice given to the driver of the car bearing No.TN-01 Q 9233. He further stated that the car is Tata Indica



car, but he did not know the owner of the car. He further stated that lady driver of the car bearing No.TN-01 Q 9233 had taken him to the hospital, but she was not examined before the Court. It was suggested that he himself was negligent in driving the motorcycle and dashed against the car bearing No. TN-01 Q 9233, but he denied it. He simply stated that by oversight vehicle number is mentioned as 9233 instead of 8399 in Crime No.443/2006. The number of the vehicle is shown as 9233 in FIR, Spot Sketch and Mahazar. It cannot be considered that number is shown by oversight and it is clear case of implication of vehicle to gain wrongfully.

12. In a citation in **(2009) 1 KACJ 500** between **Veerappa and Another Vs. Siddappa and Another** it was held as follows:

" The experience has shown that this branch of law is slowly getting into the hands of unscrupulous people who are making a mockery of judicial process. A disturbing tread of unholy alliance among the police, the doctors, the lawyers and some times even the Insurance Company, to siphorn out the public money, and make an unlawful gain is fast emerging. It is



also gaining respectability and persons who indulge in such practices are acclaimed as most successful in their respective profession. This is a dangerous trend, if unchecked would undermine the judicial process. As the existing law is inadequate to check this malady, the Courts not only have to be careful in adjudicating such claims but also find ways to prevent such abuse They have to balance the interest of these accident victims and their legal heirs on one side, by giving them just compensation at the earliest, thus giving effect to the mandate of the parliament, and on the other hand, to see that the very process is not abused and exploited by a handful of persons, who have attained specialization in this field, to make personal gains at the cost of the exchequer. An onerous responsibility lies on the Courts. Therefore, it is imperative that a strong message is to be sent to the abusers of the judicial process to discourage them from indulging in such practices as well as the consequences of such abuse may result in foisting the liability exclusively on the insured-owner of the vehicle. (Para 16).

19. It is once again made clear that notwithstanding the vehicle of the 1st respondent was insured with the 2nd respondent, the insurance company is not liable to indemnify the insured as we have



recorded a finding that it was not involved in the accident. Therefore, there is no third party liability on the part of the insurance company to pay compensation to the claimants. This amount is awarded in order to see that in future such false defences are not filed before Court, judicial process is not abused. Therefore, it is only the 1st respondent/owner who is liable to pay the aforesaid amount. Ordered accordingly.

13. Basing on the above citation though it is a beneficial legislation, it is for the court to see that there is any abuse of process or implication of vehicle to gain wrongfully. After proper investigation PW.1 came to know about the number of the vehicle as 8399 and the same is mentioned in IMV report and charge sheet. Police recorded the statement of PW.1 under Ex.P3 and Exs.P21 is the B extract of the insured vehicle. He further admitted that he was in the hospital for 15 days. But, he does not know whether he was in the hospital on 08.02.2007. There are variations in his evidence regarding the fact when he went to the police station. Initially he said that 3 or 4 days after the accident he went to the police station. By that time car was there and again he stated that he went after



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2 months and only on seeing the vehicle in the police station he changed the vehicle number. The Tribunal rightly considered all the aspects in detail and stated that the claimants have failed to prove the involvement of the vehicle and dismissed the claim petitions. This Court finds no reason to interfere with the said order.

In the result, there is no merits in the appeals and same are dismissed, confirming the order of the Tribunal.

Sd/-
(P SREE SUDHA)
JUDGE

AKC
CT:NR
List No.: 1 Sl No.: 1