

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 1ST DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

MISCELLANEOUS FIRST APPEAL NO.100810 OF 2014

BETWEEN:

SRI. M.B. RAGHAVENDRA S/O. M.B. NARASIMHULU
AGE: 34 YEARS,
OCC: OWNER OF LORRY BEARING NO: KA-34/6312
R/O. DOOR NO. 1039/71,
10TH WARD, NEAR AMRUTHESHWARA TEMPLE,
SIRUGUPPA, DIST: BELLARY.

...APPELLANT

(BY SRI HANUMANTHAREDDY SAHUKAR, ADVOCATE)

AND:

THE MANAGER ICICI LOMBARD
GENERAL INSURANCE CO. LTD.,
ICICI BANK TOWERS, BANDRA-KURLA COMPLEX,
BANDRA (EAST) MUMBAI-400051.

...RESPONDENT

(BY SRI NAGARAJ C. KOLLOORI, ADVOCATE)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173 (1) OF THE MOTOR VEHICLES ACT 1988, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED: 30.03.2013, PASSED IN MVC.NO.922/2006 ON THE FILE OF THE 5TH MOTOR ACCIDENT CLAIMS TRIBUNAL AT BELLARY, THE CLAIM PETITION BY ALLOWING THE APPEAL AS PRAYED FOR WITH COST IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL IS COMING ON PRONOUNCEMENT AND THE SAME HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 17.03.2026, THIS DAY, DELIVERED THE FOLLOWING:

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

Feeling aggrieved by the dismissal of the claim petition in MVC No.922/2006 on the file of MACT-V, Bellary, the claimant has preferred this appeal.

2. The claimant in MVC No.922/2006 is the owner of lorry bearing No.KA-34-6312. On 13.07.2006 at about 12.30 a.m., its driver drove the lorry in rash and negligent manner near a bridge at Challakere and caused accident. As a result, extensive damage caused to the lorry. They intimated the incident to his insurer, pursuant to which the officials of the insurer visited the spot and then the vehicle was shifted for repair. Afterwards, the claimant sent a letter to his insurer claiming compensation for the damage caused to the vehicle, which was turned down. The claimant claims that he got the vehicle repaired by spending Rs.4,50,000/-. In the above circumstances, he maintained the petition in MVC No.922/2006 under Section 166 of Motor Vehicles Act against his insurer seeking compensation of Rs.4,50,000/- towards the damages to the insured vehicle.

3. On service of notice, the insurer appeared before the Tribunal through its counsel and contested the petition by filing the objection. In the objection they admitted policy coverage

to the vehicle in question as on the date of accident. However, they denied their liability on the ground that the driver was not holding valid and effective driving license on the date of accident and that the vehicle had no valid permit to ply on a public road. They even raised other grounds to oppose the petition and prayed for its dismissal.

4. Based on the pleadings, the Tribunal framed relevant issues for consideration, recorded evidence of the parties and then dismissed the claim petition mainly on the ground that the claimant ought to have approached proper forum for appropriate remedy and that the claim put forth in the petition cannot be adjudicated by the Tribunal. Being aggrieved, the claimant has directed this appeal.

5. Sri Hanumanthareddy Sahukar, learned Counsel for the Claimant vehemently submitted that the Tribunal has wrongly dismissed the claim petition by relying on the judgment which is not applicable to the facts and circumstances of the case. He submitted that admittedly the vehicle was duly insured on the date of accident and the insurer has accepted the premium covering the risk of own damage. He further submitted that there is no dispute regarding the accident and the damage caused to the insured vehicle. Even then, the insurer has

unjustly refused to reimburse the cost of repairs to the insured. He contended that whether the claim is to be adjudicated by the Tribunal or any other forum, makes no difference as ultimately the insurer is bound by the terms of the policy issued by them. Hence, he prayed to allow the appeal by setting aside the impugned judgment and award.

6. Per contra, Sri Nagaraj C. Kalloori, learned Counsel for the Insurer strenuously submitted that the Tribunal was fully justified in dismissing the claim petition as it had no jurisdiction to entertain the petition. He submitted that if at all the claimant has got any remedy against his insurer, it should be agitated before proper forum and same cannot be adjudicated by the Tribunal. He further submitted that the insurer has got other valid defenses to oppose the claim on merits of the case. Hence, he prayed for dismissal of the appeal.

7. Having heard both sides and considered the controversy, the short question for this Court is whether the Tribunal has jurisdiction to adjudicate a claim by the insured against his insurer for damage to the insured vehicle.

8. Section 165 of the Motor Vehicles Act, 1988 creates the forum and jurisdiction of the Motor Accident Claims Tribunal. It reads as under:

“165. Claims Tribunals – (1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereafter in this Chapter referred to as Claims Tribunal) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or **damages to any property of a third party so arising** (emphasis supplied), or both.”

9. Section 165 empowers the Claims Tribunal to adjudicate claims for compensation arising out of motor vehicle accidents causing death or bodily injury to persons, or damage to third party property. In legal and insurance contexts, the phrase ‘third party’ generally means a person other than the insured and the insurer, or someone other than the two primary sides to an agreement. The said phrase is used to distinguish the affected person from the insured/vehicle owner. It does not refer to damage to the claimant’s own vehicle or property when that person is the owner of the offending vehicle. Thus, the expression ‘third party’ in the provision is

intended to cover liability toward outsiders whose property is harmed by the use of the vehicle.

10. In this case, the claimant filed a petition to enforce his rights and insurer's liability under the policy. The claim therefore depends on the terms of policy, its coverage and exclusions, and compliance with claim procedure. This differs from a third party claim under the Motor Vehicles Act, where the Tribunal deals with statutory liability for injury, death, or third party property damage. By contrast, a dispute inter se between the insured and the insurer is ordinarily contractual or consumer in nature. Hence, the Claims Tribunal lacks jurisdiction to entertain a claim by the insured against his insurer for damage to his own vehicle. Accordingly, the point for consideration is answered negatively.

11. In the result, this Court proceeds to pass the following:

ORDER

- i) The appeal is dismissed.
- ii) The judgment and award dated 30.03.2013 passed in MVC No.922/2006 by learned MACT-V, Bellary is confirmed.

- iii) The registry is directed to send back trial court record to concerned Tribunal, at the earliest.
- iv) Draw the award accordingly.

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**

RKM,YAN
CT: CMU