



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCL. FIRST APPEAL NO.203654 OF 2024 (MV-I)

BETWEEN:

THE DIVISIONAL MANAGER,
THE UNITED INDIA INSURANCE CO. LTD.,
SANGAM BUILDING, P.B. NO. 60,
S.S. FRONT ROAD, BIJAPUR-586 101,
THROUGH ITS DIVISIONAL MANAGER.

...APPELLANT

(BY SRI. J. AUGUSTIN, ADVOCATE)

AND:

1. VIJAYAKUMAR S/O HANAMANTH RATHOD,
AGE: 39 YEARS, OCC: COOLIE,
R/O SHRINIVASAPURA, TQ. LINGASUGUR,
DIST. RAICHUR-584 122.

2. VEERESH S/O GURUSIDDAYYA HIEMATH,
AGE: MAJOR, OCC: BUSINESS,
R/O SASANUR, TQ. B. BAGEWADI,
DIST. VIJAYAPUR-586 214.

...RESPONDENTS

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE
JUDGMENT AND AWARD DATED 29-12-2023 PASSED IN M.V.C.
NO. 989/2017 BY THE SENIOR CIVIL JUDGE AND MACT VIII AT
MUDDEBIHAL, EXONERATING THE APPELLANT OF ITS
LIABILITY.

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



CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C M JOSHI)

The office objection raised is about the maintainability of the appeal in view of the specific bar under Section 173 of the M.V.Act. The valuation being less than Rs.1,00,000/-, the bar under Section 173 of the M.V.Act, applies. Therefore, the appeal is not maintainable.

However, the dismissal of the present appeal on account of the bar under Section 173 of the M.V.Act, will not affect merits of other appeals, which are pending.

The appeal is dismissed.

The amount in deposit, if any, be transmitted to the Tribunal.

Sd/-
(C M JOSHI)
JUDGE

SDU
LIST NO.: 2 SL NO.: 9
CT: AK