



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 2ND DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI
MISCELLANEOUS FIRST APPEAL NO. 102871 OF 2015 (MV-I)

BETWEEN:

THE MANAGER,
THE HULGOL SERVICE CO-OPERATIVE SOCIETY LTD.,
REGISTERED OWNER OF MAHINDRA MINI PICKUP
NO.KA-31/6922, AT AND POST: BHAIKUMBE,
TQ:SIRSI(U.K.)-581 402.

... APPELLANT

(BY SRI VISHWANATH HEGDE, ADVOCATE)

AND:

1. KRISHNA S/O RAMA GOUDA,
AGED 30 YEARS, OCC: TEACHER,
R/O: DUGGUR, TQ: HONNAVAR,
DIST: UTTARA KANNADA.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY,
DIVISIONAL OFFICE KARWAR,
DIST: UTTARA KANNADA.

... RESPONDENTS

(BY SRI S.V. YAJI, ADVOCATE FOR R2;
NOTICE TO R1-SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT 1988, PRAYING TO CALL FOR RECORDS IN MVC NO.1/2013 DATED 07.06.2014 ON THE FILE OF THE ADDITIONAL M.A.C.T. AT HONNAVAR, AND MODIFY THE JUDGMENT AND AWARD DATED 07.06.2014 FIXING THE LIABILITY TO PAY THE JUST AMOUNT OF COMPENSATION ON THE INSURER/RESPONDENT NO.2 BY SETTING ASIDE THAT THE JUDGMENT AND AWARD UNDER APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.



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

ORAL JUDGMENT

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

Respondent No.1 in M.V.C.No.1/2013 on the file of the learned Additional M.A.C.T., Honavar, has maintained this miscellaneous first appeal questioning the judgment and award dated 07.06.2014 therein to the extent of fixing the liability on him to pay the compensation as determined by the Tribunal.

2. Sri Vishwanath Hegde, learned Counsel for the Appellant has relied on decision in ***Mukund Dewangan Vs Oriental Insurance Company Ltd.,¹*** and submitted that in view of the law laid down therein, Respondent No.2 is liable to pay the compensation amount as determined by the Tribunal irrespective of class of vehicles.

3. Sri S.V.Yaji, Learned Counsel for Respondent No.2 supported the findings recorded by the Trial Court and submitted that the Appellant has not made out any valid ground to interfere with the impugned judgment including the question of liability.

¹ (2017) 14 SCC 663



4. One Sri Krishna Rama Gouda, the Respondent No.1 herein, had maintained a claim petition in M.V.C.No.1/2013, praying for compensation for the injuries sustained by him in a road traffic accident occurred on 08.04.2011 involving a motorcycle bearing No.KA-47-J-3544 and Mahindra Maxi Cab bearing No.KA-31-6922. It was his case that the accident in person occurred due to actionable negligence on the part of the driver of Mahindra Maxi Cab. After contest, the Tribunal allowed the petition in part holding that the claimant is entitled for compensation of Rs.33,400/- together with interest at the rate of 6% per annum from the date of petition till its realization. However, the Tribunal fastened the liability of paying the compensation only on Respondent No.1 on the ground that the driver of the offending vehicle was not holding license to drive a goods vehicle/transport vehicle and as such the insurer of the said vehicle i.e., Respondent No.2 herein is not liable to indemnify the insured.

5. In ***Mukund Dewangan***'s case referred (supra), Hon'ble Supreme Court of India has clarified that the light motor vehicle includes that transport vehicle as per weight prescribed in Section 2(21) R/w Section 2(48) of Motor Vehicles Act, 1988 and



that the driver holding light motor vehicle license can drive all vehicles of class including transport vehicles and no separate endorsement required to drive such transport vehicles.

6. As already pointed out, in the case on hand the Tribunal absolved Respondent No.2 from its liability of indemnifying Respondent No.1 in paying compensation to the claimant solely on the ground that the driver of the vehicle though was holding a license to drive light motor vehicle (non-transport), he did not possess a license to drive a goods vehicle/transport vehicle at the relevant point of time. The law laid down in the above referred decision makes it clear that such a conclusion of the Tribunal is not correct. Thereby, the Respondent No.1 has made out valid ground to interfere with the impugned judgment and award as prayed in the appeal.

7. During the course of argument, learned Counsel for Appellant/Respondent No.1 has filed a memo along with a copy of Certificate dated 06.11.2023 issued by the Assistant Registrar of Co-Operative Societies, Sirsi Sub-Division and submitted by the name of the Appellant/Society has been amended as Hulgol Primary Agriculture Co-Operative Society Limited, Bhairumbe in place of its earlier name of Hulgol Seva Sahakari Sangha Niyamit



Bhairumbe. In view of the same, he prayed to order for repayment of statutory deposit made in the case in the name of Hulgol Primary Agriculture Co-Operative Society Limited, Bhairumbe than in the name of the Appellant shown in the cause title.

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

ORDER

- i) The appeal is ***allowed***.
- ii) The judgment and award dated 07.06.2014 passed in M.V.C.No.1/2013 by the learned Additional M.A.C.T., Honavar is modified, holding that Respondent No.2 is liable to indemnify the owner - Respondent No.1 therein - the insured, in paying the compensation amount as determined by the Tribunal.
- iii) Draw modified award accordingly.
- iv) The Appellant is permitted to withdraw the statutory deposit made before this Court in view of the modified award.



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- v) The office is directed to refund the amount to the Appellant in its present name i.e. Hulgol Primary Agriculture Co-Operative Society Limited, Bhairumbe.

Sd/-
(B. MURALIDHARA PAI)
JUDGE

SSP
CT:BCK
LIST NO.: 1 SL NO.: 27