



NC: 2026:KHC:50778  
MFA No. 941 of 2018

CNR: KAHC010017632018

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI**

**MISCELLANEOUS FIRST APPEAL NO. 941 OF 2018 (MV-I)**

**BETWEEN:**

THE DIVISIONAL CONTROLLER  
NWKSRTC, GADAG DIVISION  
GADAG - 582 101  
REP BY ITS  
CHIEF LAW OFFICER

...APPELLANT

(BY SRI FS DABALI, ADVOCATE)

**AND:**

1. ARAVIND  
S/O CHANNABASAPPA,  
AGED ABOUT 34 YEARS,  
R/O 1<sup>ST</sup> MAIN 3<sup>RD</sup> CROSS,  
LABOUR COLONY HARIHAR  
DAVANAGERE DISTRICT - 577 601.

2. THE MANAGER,  
ORIENTAL INSURANCE COMPANY LTD.,  
PCA AND RD BANK BUILDING,  
1<sup>ST</sup> FLOOR, APMC YARD,  
GADAG - 582 101.

(BUS BEARING NO.KA-26-F-771.  
(POLICY NO.422190/31/2010/65  
VALID FROM 17-07-2009  
TO 13-04-2010)

...RESPONDENTS

(BY SRI MAHESH R UPPIN, ADVOCATE FOR R1;  
SRI AM VENKATESH, ADVOCATE FOR R2)

Digitally signed  
by ANUSHA V  
Location: High  
Court of  
Karnataka



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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 11.05.2012 PASSED IN MVC NO.188/2010 ON THE FILE OF THE SENIOR CIVIL JUDGE, & ADDITIONAL MACT, HARIHAR, AWARDED COMPENSATION OF RS.1,33,977/- WITH INTEREST @ 6% P.A. FROM THE DATE OF PETITION TILL DEPOSIT.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

**ORAL JUDGMENT**

Challenging judgment and award dated 11.05.2012 passed by Senior Civil Judge & Addl.MACT, Harihar, in MVC no.188/2010, this appeal is filed.

2. Sri FS Dabali, learned counsel for appellant submitted that claim petition was filed by one Aravind alleging that he sustained injury/disability on account of accident that occurred on 28.02.2009 involving NWKRTC Bus no.KA-26-F-771. In said claim petition, driver of Bus and Divisional Controller were made parties. Though in objections, NWKRTC had taken up a contention that vehicle was insured with Oriental Insurance Co. Ltd., and was entitled for reimbursement, claim proceeded without impleading insurer



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and award was passed holding NWKRTC liable to pay compensation. Aggrieved thereby, NWKRTC had filed Review Petition no.1/2012. But same was also dismissed on 08.08.2017. Aggrieved, this appeal is filed.

3. It was submitted, in view of appellant pursuing review petition, there is delay of 1,999 days in filing this appeal. Therefore, I.A.no.1/2018 for condonation of delay may be allowed by condoning delay and appeal be allowed fastening liability on insurer.

4. Sri Mahesh R Uppin, learned counsel for respondent no.1-claimant and Sri AM Venkatesh, learned counsel for respondent no.2-insurer opposed application and appeal.

5. It was submitted that though issuance of insurance policy to vehicle in question was not disputed as no steps were taken for impleading insurer or intimating insurer about claim petition, insurer cannot be held liable to answer interest on liability from date of claim petition till its intimation to insurer.

6. Heard learned counsel and perused contents of affidavit filed in support of IA no.1/2018.



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7. In view of explanation that appellant was pursuing review petition and appeal filed immediately after dismissal of review, explanation is reasonable. Hence, application is *allowed* and delay is condoned.

8. On merits, appeal is by NWKRTC challenging award on ground of liability and specifically on ground that vehicle in question was issued with insurance policy and therefore, appellant was entitled for reimbursement.

9. Perusal of insurance policy appended to I.A.no.2/2018 would substantiate submission of learned counsel for appellant that vehicle in question was issued with insurance policy covering date of accident. Therefore, appeal would stand vindicated.

10. Normally an insurer is expected to come forward to accept liability unless there is any violation of terms of policy. No grounds about any violation are urged. However, fact remains that appellant did not take effective steps for either informing insurer about claim petition or for impleading it before Tribunal. Such effort was made for first time in review petition. Therefore, I find substance in submission of insurer



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that it would not be liable to pay interest until liability of insurer to answer claim was brought to its notice. Hence, it would be appropriate to hold NWKRTC liability to pay interest on award amount from date of claim petition till date of service of notice to insurer in review petition and thereafter by insurer.

11. In view of above, following:

**ORDER**

(i) Appeal is ***allowed in part;***

(ii) Judgment and award dated 11.05.2012 passed by Senior Civil Judge & Addl.MACT, Harihar, in MVC no.188/2010, is *modified*;

(iii) Insurer is held liable to pay award amount, but liability of insurer to pay interest on award amount would commence only from date of service of notice in review petition, which shall be worked out in execution petition.

(v) Amount in deposit, if any, is ordered to be transmitted to Tribunal.

**Sd/-  
(RAVI V HOSMANI)  
JUDGE**

AV

List No.: 1 Sl No.: 7