



CNR: KAHC010051062025

NC: 2026:KHC:51290
MFA No. 681 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 681 OF 2025 (MV-I)

BETWEEN:

BALAJI WAREHOUSING CO. PVT. LTD.
No.610, VENKUS SADAN
2ND CROSS, OFF: NEW BEL ROAD
CHIKKAMARANAHALLI
REPRESENTED BY MR KHASIM
BANGALORE-500 094.

...APPELLANT

(BY SRI ADITYA D, ADVOCATE)

AND:

Digitally signed
by

PADMASHREE
SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA

SRI KRISHNA. S
S/O SAMPANGI
AGED ABOUT 25 YEARS
RESIDING AT No.22/3
CHANNASANDRA LAYOUT
RAJARAJESHWARINAGAR
BANGALORE SOUTH
BANGALORE -560 098.

...RESPONDENT

(BY SRI. SHYAMA PRASADA K.V, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED: 19.04.2023
PASSED IN MVC No.3700/2021 ON THE FILE OF THE I
ADDITIONAL SMALL CAUSES JUDGE AND MACT, BENGALURU



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(SCCH-11), AWARDING COMPENSATION OF Rs.8,96,618/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the owner of the vehicle challenging the judgment and award dated 19.04.2023 passed in MVC No.3700/2021 by the I Additional Small Causes Judge and MACT, Bengaluru (SCCH-11).

2. Heard the learned counsel for the appellant and learned counsel for respondent.

3. Learned counsel for the appellant would contend that notice issued by the Tribunal to the appellant (respondent No.1 before the Tribunal) has been served on Balaji Logistic Company. The appellant (respondent No.1 before the Tribunal) is Balaji Ware Housing Corporation Pvt. Ltd. Therefore, service of notice is not proper and as the notice has not been served the appellant could not



appear before the Tribunal to contest the matter. The appellant on receipt of notice in execution proceedings has appeared in the execution case and filed this appeal. Learned counsel for the appellant further submits that there was an insurance policy which expired on 05.07.2021 and subsequently the policy was issued on 12.07.2021 and there was auto renewal of the insurance policy. Therefore, as on the date of accident i.e. on 10.07.2021, there was policy in force. He further submits that there are several contentions to be raised by this appellant and prays for remand of the matter to the Tribunal.

4. Learned counsel for the respondent would contend that even though the name of the company on which notice is served is different, but it is located in the particulars in which the appellant-company is located.

5. Having heard the learned counsels, the Court has perused the judgment, award and trial Court records.



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6. The appellant was respondent No.1 before the Tribunal. The notice of the claim petition filed by the respondent herein has been issued to the appellant (respondent No.1 before the Tribunal). On perusal of the trial Court records it indicates that the said notice is served on Balaji Logistics Company, Bengaluru. Considering the service of notice on a different entity, the service of notice is not proper. Therefore, an opportunity is to be given to the appellant to contest the claim petition, for that purpose, the matter requires to be remanded. The appellant has deposited Rs.25,000/- towards statutory deposit and also Rs.4,48,500/- before this Court. In view of the remand of the matter, the said amount in deposit is to be transmitted to the Tribunal with a direction to keep the amount in fixed deposit till disposal of the matter and successful party is entitled to the said amount with interest accrued thereon.

7. In view of the above, the following:



ORDER

- (i) Appeal is allowed.
- (ii) The judgment and award dated 19.04.2023 passed in MVC No.3700/2021 by the I Additional Small Causes Judge and MACT, Bengaluru (SCCH-11) is set-aside.
- (iii) The matter is remanded to the Tribunal for disposal of the claim petition afresh, by giving an opportunity to appellant (respondent No.1 before the Tribunal) to file statement of objections, lead evidence which includes cross-examination of claimant's witnesses.
- (iv) The amount in deposit, deposited before this Court is ordered to be transmitted to the Tribunal.
- (v) The Tribunal is directed to keep the amount so received in fixed deposit in Karnataka



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Bank, City Civil Court Branch, Bengaluru, for a period of one year with auto renewal instructions.

- (vi) The successful party in the claim petition is entitled to the amount deposited with interest accrued thereon.
- (vii) Both the parties are directed to appear before the Tribunal without awaiting any Court notice on 12.10.2026.
- (viii) Office is directed to send back trial Court records to Tribunal with copy of this order forthwith so as to reach before 12.10.2026.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 34
Ct.sm