



CNR: KAHC010130572021

NC: 2026:KHC:45976
MFA No. 2788 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2788 OF 2021(MV-I)

BETWEEN:

SRI. K. V. MOHAN KUMAR
S/O. K. B. VENKATESH,
AGED ABOUT 41 YEARS,
R/O. SMB STREET, CHELUR,
GUBBI TALUK,
TUMAKURU DISTRICT.

...APPELLANT

(BY SRI. VIRUPAKSHAIAH P.H, ADVOCATE)

AND:

1. SMT. LEELAVATHI
W/O. MAHADEVIAH,
AGED ABOUT 41 YEARS,
HOUSEWIFE,
R/O. KALASEGOWDANAPALYA,
KASABA HOBLI,
TUMAKURU TALUK.
2. THE NEW INDIA ASSURANCE COMPANY LIMITED
OPP. RAMA MANDIRA,
GEN. KARIYAPPA ROAD,
(BAR LINE) K. R. EXTENSION,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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TUMAKURU-572 010.

...RESPONDENTS

(BY SRI. PRAKASH M.H, ADVOCATE FOR R1,
SRI. LINGARAJ H.S, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.02.2018 PASSED IN MVC NO.835/2015 ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE AND MACT, TUMAKURU, AWARDING COMPENSATION OF RS.2,42,300/- 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 RAJESH RAI K

ORAL JUDGMENT

The appellant, being the insured-owner of the SLVT bus bearing registration No.KA-06-A-3069, has preferred this appeal challenging the judgment and award dated 09.02.2018 passed in MVC No.835/2015 by the III Additional Senior Civil Judge and MACT, Tumkuru (for short, 'the Tribunal'), whereby the Tribunal partly allowed the claim petition filed by the claimant and awarded compensation of Rs.2,42,300/- with



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interest at 6% per annum and further fastened the liability on the appellant-insured to satisfy the award on the ground that the driver of the offending vehicle was not holding a valid driving licence at the time of accident.

2. The occurrence of the accident dated 09.06.2014 and the involvement of the bus bearing registration No.KA-06-A-3069 therein are not in dispute. It is also not in dispute that, as on the date of the accident, the said bus was covered under a valid insurance policy issued by respondent No.2 - Insurance Company.

3. The sole contention urged by the learned counsel for the appellant-insured is that, since the insurance policy was in force at the time of accident, the Tribunal ought to have directed the respondent No.2 - Insurance Company to satisfy the award with liberty to recover the same from the insured-owner. However, this position of law is no longer *res integra*, having been settled by a catena of judgments of this Court as well as the Hon'ble Apex Court. In the instant case, it is an admitted fact that the driver of the offending bus was not



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possessing a valid driving licence at the time of accident. Despite issuance of notice, the appellant-insured has failed to produce the driving licence. It is also not in dispute that the insured contested the claim petition before the Tribunal.

4. In such circumstances, I am of the considered view that the Tribunal was justified in fastening the liability upon the insured to satisfy the award. It is well settled by a catena of judgments of the Hon'ble Apex Court as well as this Court that the direction to the insurance company to pay the compensation and recover the same from the insured is issued only with a view to protect the interest of third parties. In the instant case, as the insured himself has challenged the liability and has failed to establish possession of a valid driving licence by the driver of the offending bus, no such direction for pay and recovery is warranted.

5. In the case on hand, the insured himself appeared before the Tribunal and contested the claim petition. The instant appeal is also preferred by the insured challenging the liability fastened upon him. In such circumstances, the question



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of directing the Insurance Company to pay the compensation and recover the same from the insured does not arise. The primary liability to satisfy the award rests upon the insured, as rightly held by the Tribunal. Accordingly, the appeal, being devoid of merits, stands ***dismissed***.

In view of the dismissal of the appeal, the claimant shall be entitled to withdraw the amount deposited by the appellant-insured before the Tribunal, in accordance with law.

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 28