



CNR: KAHC010133332020

NC: 2026:KHC:47660
MFA No. 2409 of 2020
C/W MFA No. 297 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2409 OF 2020(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 297 OF 2021 (MV-I)

IN MFA No. 2409/2020

BETWEEN:

DADU @ M DADAPEER
S/O MUNNA SAB @ MUNAF
AGED ABOUT 29 YEARS,
LORRY CLEANER BY PROFESSION
R/O JANATHA COLONY
CHITRAHALLI VILLAGE,
HOLALKERE TALUK,
CHITRADURGA DISTRICT-577 526

...APPELLANT

(BY SRI. VIJAYA M.N, ADVOCATE)

AND:

1. SHRI RAM LEIT WIND LTD.,
FLOT NO.76, KAIGARIKA INDUSTRIAL AREA,
BANGALORE ROAD, CHITRADURGA
KARNATAKA STATE
OWNER OF TVS STAR CITY MOTOR CYCLE
BEARING REG NO.KA-16/R-9603
2. THE BRANCH MANAGER,
BRANCH OFFICE,
RELIANCE GENERAL INSURANCE COMPANY LTD.,
1ST FLOOR, MAGANUR COMMERCIAL COMPLEX,
NEAR KSRTC BUS STAND,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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B.D.ROAD, CHITRADURGA.

...RESPONDENTS

(BY SRI. ASHOK N PATIL, ADVOCATE FOR R2,
VIDE ORDER DATED 06.12.2013, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED. 18.12.2019, PASSED IN MVC
NO.1226/2016, ON THE FILE OF THE SENIOR CIVIL JUDGE
AND JMFC., AND MACT, HOLALKERE, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 297/2021

BETWEEN:

THE BRANCH MANAGER
BRANCH OFFICE
RELIANCE GENERAL INSURANCE COMPANY LIMITED
1ST FLOOR MAGANUR COMMERCIAL COMPLEX
NEAR KSRTC BUS STAND, B. ROAD
CHITRADURGA-577 501.

ALSO AT THE RELIANCE GENERAL INSURANCE
COMPANY LTD.,
EAST WING, 5TH FLOOR, NO.28
CENTENARY BUILDING, M.G ROAD
BENGALURU-560 001.
NOW REPRESENTED BY MANAGER LEGAL

...APPELLANT

(BY SRI. ASHOK N PATIL, ADVOCATE)

AND:

1. DADI @ M DADAPEER
S/O MUNNA SAB @ MUNAF
AGED ABOUT 29 YEARS
R/O JANATHA COLONY
CHITRAHALLI VILLAGE



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HOLALKERE TALUK
CHITRADURGA DISTRICT-577 539.

2. SHRI RAM LEIT WIND LIMITED
FLOT NO.76
KAIGARIKA INDUSTRIAL AREA
BENGALURU ROAD
CHITRADURGA
KARNATAKA STATE-577501.

...RESPONDENTS

(BY SRI. VIJAYA M.N, ADVOCATE FOR R1,
VIDE ORDER DATED 12.08.2026, NOTICE TO R2 HELD
SUFFICIENT)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.18.12.2019 PASSED IN
MVC NO.1226/2016 ON THE FILE OF THE SENIOR CIVIL
JUDGE AND JMFC, HOLALKERE, AWARDED
COMPENSATION OF RS.1,86,640/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL DEPOSIT.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals are directed against the judgment and
award dated 18.12.2019 passed in MVC No.1226/2016 by the
Senior Civil Judge at MACT at Holalkere (for short, 'the
Tribunal'), whereby the Tribunal partly allowed the claim
petition and awarded compensation of Rs.1,86,640/- with
interest at the rate of 6%.



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2. The factual matrix of the case is that, on 06.06.2009 at about 02:00 p.m., the claimant while returning from Sharma Dabha towards his lorry to attend his duty as a cleaner, the rider of TVS Star City motorcycle bearing registration No.KA-16/R-9603 came from Hiriur side towards Chitradurga in a rash and negligent manner and dashed against the claimant. As a result, the claimant sustained injuries to his head, right leg and other parts of the body. Immediately he was shifted to District Hospital, Chitradurga for treatment. Subsequently, he filed a claim petition before the Tribunal claiming compensation for the accidental injuries he had sustained.

3. The Tribunal, upon assessment of oral and documentary evidence, partly allowed the claim petition as stated supra and directed the Insurance Company to make good the compensation. The said judgment is challenged by the Insurance Company in MFA No.297/2021 challenging the liability and the claimant filed MFA No.2409/2020 for enhancement of compensation.

4. Heard learned counsel for the respective parties.



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5. The primary contention of the learned counsel for the Insurance Company is that the Tribunal has erred while fixing liability on the Insurance Company without appreciating the evidence placed on record that the rider of the offending motorcycle was not possessing valid driving licence at the time of accident. According to him, the Insurance Company has issued the statutory notice to the owner of the motorcycle to place the driving license of the rider of the motorcycle. Despite, either the owner or the rider failed to produce the driving license before the Insurance Company. Moreover, during the course of proceedings also, though such a contention was raised by the Insurance Company, by filing necessary application under Order XVI Rule 1 & 2 of CPC, either the rider or the owner failed to produce the driving licence before the Tribunal. In such circumstances, it is proved that the rider was not possessing the driving licence at the time of accident. Thus, the Tribunal, at the most, ought to have passed an order of pay and recover by directing the Insurance Company to make good the compensation initially with liberty to recover the same from the owner/insured of the motorcycle. He also contented that



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the Tribunal awarded exorbitant compensation, which requires interference by this Court. Accordingly, he prays to allow the appeal filed by the Insurance Company by rejecting the appeal filed by the claimant.

6. *Per contra*, learned counsel for the claimant in MFA No.2409/2020 contended that the Tribunal is justified in passing the order by directing the Insurance Company to make good the compensation, since no charge sheet has been laid against the rider of the motorcycle under Sections 3(1) and 181 of Motor Vehicles Act. In such circumstances, it could be presumed that the rider of the motorcycle was possessing valid driving licence at the time of accident. She further contented that the Tribunal is not justified in awarding meagre compensation. Accordingly, she prays to allow the appeal filed by the claimant by dismissing the appeal filed by the Insurance Company.

7. I have given my anxious consideration to the submission made by learned counsel for the respective parties and perused the impugned judgment and award and other documents made available before this Court.



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8. As could be gathered from records, the occurrence of accident dated 06.06.2009 and coverage of insurance policy for the offending motorcycle are not in dispute. However, the contention of the learned counsel for the Insurance Company that the rider of the motorcycle was not possessing valid driving licence is concerned, I have perused the evidence of RW.1, the officer of the Insurance Company, where in his evidence he has categorically stated that despite issuing notice to the owner by the Insurance Company to produce the driving licence of the rider, the owner failed to produce the same. Thereafter, before the Tribunal, the Insurance Company has filed an application under Order XVI Rule 1 & 2 of CPC to produce the driving licence by directing the owner and the investigation officer. Though the Tribunal issued bailable warrant against them, they failed to appear before the Tribunal. In such circumstances, mere placing reliance on the charge sheet that the Police have not filed charge sheet against the rider of the motorcycle for not possessing valid driving license itself cannot be a ground to discard the evidence of RW.1, wherein he has specifically asserted that the rider was not



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possessing valid driving licence at the time of accident. The claimant also not placed any such document to discredit the assertion made by RW.1. In such circumstance, I am of the considered view that the Insurance Company is justified in claiming that the rider of the motorcycle was not possessing valid driving licence at the time of accident.

9. The Hon'ble Apex Court in the case of **PAPPU VS. VINOD KUMAR LAMBA AND ANOTHER**, reported in **(2018) 3 SCC 208**, and **NATIONAL INSURANCE CO. LTD. VS. SWARAN SINGH**, reported in **(2004) 3 SCC 297** has held that though the rider was not possessing valid driving licence, the Insurance Company is liable to make good the compensation initially with a liberty to recover the same from the insured/owner of the offending motorcycle.

10. In the light of the aforesaid authoritative pronouncements, the liability to satisfy the award is required to be fastened on the insurer with liberty to recover the same from the insured. Accordingly, the impugned judgment and award passed by the Tribunal stand modified to the said extent.



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11. The Tribunal, on an analysis of medical evidence and by considering the evidence of PW.2-Doctor has rightly assessed the disability of the claimant at 9%. As the claimant was aged 20 years at the time of accident, the Tribunal has rightly adopted the multiplier as '18' and also rightly considered the monthly income of the claimant at Rs.6,000/-. Accordingly, the sum awarded under the head '*loss of future income*' at **Rs.1,16,640/-** (Rs.6,000 x 12 x 18 x 9%) by the Tribunal, is just and proper.

12. Having regard to the injuries suffered by the claimant, I deem it just and appropriate to award a sum of **Rs.45,000/-** towards '*pain and suffering*' as against Rs.25,000/- awarded by the Tribunal.

13. Having regard to the lasting effects of the injuries on the claimant, the claimant would also be entitled to a sum of **Rs.40,000/-** as against Rs.10,000/- towards '*loss of amenities*'.

14. As a consequence, the amount of Rs.10,000/- awarded by the Tribunal towards '*loss of income during laid up*



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period' would also stand enhanced to **Rs.18,000/-** (6,000 X 3 months) treating the laid period as three months.

15. Having regard to the length of the stay of the claimant in the hospital and having regard to the injuries suffered, the claimant would be entitled to a sum of **Rs.30,000/-** towards '*attendant charges, nourishment and diet food*', as against the sum of Rs.10,000/- awarded by the Tribunal.

16. As a As a consequence, the amount of Rs.10,000/- awarded by the Tribunal towards '*future medical treatment*' would also stand enhanced to **Rs.20,000/-** awarded by the Tribunal.

17. The sum awarded under the head '*conveyance*' remain unaltered.

18. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the following compensation:



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Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Towards future medical treatment	10,000	20,000
2.	Towards attendant charges, nourishment and diet food	10,000	30,000
3.	Loss of amenities	10,000	40,000
4.	Towards loss of earning during the laid up period of treatment	10,000	18,000
5.	Towards pain and suffering	25,000	45,000
6.	Towards conveyance charges	5,000	5,000
7.	Towards loss of future earnings on account of permanent disability	1,16,640	1,16,640
	Total	1,86,640	2,74,640

19. Thus, the claimant is held entitled to the total compensation of **Rs.2,74,640/-** as against Rs.1,86,640/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

20. As discussed above, the Insurance Company shall initially pay the compensation to the claimant and subsequently is at liberty to recover the same from owner/insured.



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21. The Insurance Company is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

22. The appeals are accordingly ***disposed of***.

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

The apportionment of compensation amount shall be in terms of the award of the Tribunal.

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

HKV
List No.: 1 Sl No.: 16