



CNR: KAHC010145072025

NC: 2026:KHC:53328
MFA No. 1549 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 1549 OF 2025 (MV-D)

BETWEEN:

THE MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED
BMR COMPELX, OPP. KSRTC BUS STAND
BIRUR TOWN, KADUR TALUK,
CHIKKAMAGALURU DISTRICT.
REP. BY DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED
FIRST FLOOR, CRESENT COURT,
K M ROAD, CHIKKAMAGALURU - 577 101

...APPELLANT

(BY SRI. RAVISH BENNI, ADVOCATE)

AND:

1. SMT. SUVARNAMMA
W/O NANJUNDAPPA
AGED ABOUT 68 YEARS
COOLIE WORK
2. SRI MARALUSIDDAIAH
S/O NANJUNDAPPA
AGED ABOUT 51 YEARS
3. ASHOKA N
S/O NANJUNDAPPA
AGED ABOUT 49 YEARS
4. SRI CHANNABASAPPA
S/O NANJUNDAPPA
AGED ABOUT 48 YEARS

ALL ARE RESIDENT OF
VAKKALAGERE VILLAGE,
YAGATI HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT.



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5. RAJASHEKARA
S/O HANUMANTHAPPA
AGED ABOUT 43 YEARS
R/O VAKKALAGEREBOVI COLONY
YAGATI HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT.
- RIDER OF TVS STAR CITY BIKE
BEARING REGISTRATION NUMBER
KA -18/ED-3684
6. SRI RAGHU
S/O TIMMABOVI
AGED ABOUT 38 YEARS
COOLIE WORK
OWNER OF THE TVS STAR CITY BIKE
BEARING REGISTRATION NUMBER
KA -18/ED-3684,
R/O VAKKALAGEREBOVI COLONY,
YAGATI HOBLI, KADUR TALUK
CHIKKAMAGALURU DISTRICT

...RESPONDENTS

(BY SRI. VENKATE GOWDA K, ADVOCATE FOR R1 TO R4;
V/O DATED 22/04/2025, NOTICE TO R5 IS D/W
R6 SERVED BUT UNREPRESENTED.)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:16.12.2024 PASSED
IN MVC No.532/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
MACT, KADUR, AWARDED COMPENSATION OF RS.6,78,000/- WITH
INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL
REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant-insurer challenging
the Judgment and Award dated 16.12.2024 passed in MVC

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No.532/2017 by the Senior Civil Judge and MACT, Kadur.
(hereinafter referred to as "Tribunal")

2. Respondent Nos.1 to 4-claimants filed a claim petition before the Tribunal seeking award of compensation on account of the death of Sri. Nanjundappa in a road traffic accident that occurred on 20.06.2017. It was contended that the accident occurred due to the rash and negligent riding of the rider of the motorcycle bearing registration No. KA-18/ED-3684. The Tribunal, upon appreciation of the evidence on record, assessed the compensation and awarded a total sum of Rs.6,78,000/- with interest at the rate of 6% per annum from the date of the petition till the date of realization, and directed the appellant herein, who was respondent No.3 before the Tribunal, to deposit the award amount with interest. Aggrieved by the said judgment and award, the appellant-insurer has challenged the finding of the Tribunal insofar the liability to pay the award amount.

3. Heard learned counsel for the appellant and respondent Nos.1 to 4.

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4. Respondent no.6-insurer of the vehicle, even after service of notice, remained absent and unrepresented.

5. Learned counsel for the appellant would contend that the rider of the insured vehicle was not holding a valid driving licence as on the date of the accident and, therefore, there was a violation of the terms and conditions of the insurance policy. Hence, the appellant-insurer is not liable to pay the award amount. He further submits that the charge sheet was filed against the rider of the motorcycle, who was respondent No.1 before the Tribunal, for the offences punishable under Sections 180, 181 and 196 of the Motor Vehicles Act, 1988 (for short, "MV Act"), apart from the other IPC offences, which clearly indicates that the rider of the motorcycle was not holding a valid driving licence as on the date of the accident.

6. He further submits that, after conducting an investigation and enquiry, the Investigating Officer has filed the said charge sheet, which has not been challenged by the rider of the motorcycle. The charge sheet, which has been produced by the insurer at Ex.R4, clearly establishes that the rider of the

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motorcycle was not holding a valid driving licence as on the date of the accident. Therefore, the insurer is not liable to pay the award amount and at the most the pay and recover order can be passed.

7. Learned counsel for respondent Nos.1 to 4-claimants would contend that the appellant-insurer has not led any evidence to establish that the rider of the motorcycle was not holding a valid driving licence as on the date of the accident, either by examining the concerned official from the RTO or the rider of the motorcycle. Therefore, he submits that, in the absence of such evidence, the Tribunal has rightly fastened the liability on the appellant-insurer.

8. Having heard both the learned counsels, this Court has perused the judgment, award and Trial Court records.

9. Respondent No.5 herein (respondent No.1 before the Tribunal) was riding the motorcycle at the time of the accident. The charge sheet has been filed against him for the offences punishable under Sections 279 and 304A of the IPC, read with Sections 180, 181 and 196 of the MV Act. In the



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accusation column of the charge sheet, marked as Ex.P8, which is equivalent to Ex.R4, it is specifically alleged that the rider of the motorcycle was not holding a valid driving licence as on the date of the accident. It is further alleged that the owner of the motorcycle had permitted the said rider, who was not holding a valid driving licence, to ride the motorcycle. Accordingly, the charge sheet has also been filed against the owner of the motorcycle, i.e., respondent No.6 herein (respondent No.2 before the Tribunal), for the offence punishable under Section 180 of the MV Act.

10. The said charge sheet itself clearly establishes that respondent No.5 herein (respondent No.1 before the Tribunal) was not holding a valid driving licence as on the date of the accident. Though the rider and the owner of the motorcycle appeared through their respective counsel before the Tribunal, respondent No.5 (respondent No.1 before the Tribunal) did not lead any evidence to establish that he was holding a valid driving licence as on the date of the accident. Further, in the statement of objections filed before the Tribunal, he has not specifically stated that he was holding a valid driving licence as

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on the date of the accident. Therefore, respondent No.6 herein (respondent No.2 before the Tribunal), being the owner of the motorcycle, has also not asserted that respondent No.5 herein was holding a valid driving licence as on the date of the accident.

11. Considering the aforesaid aspects, the materials placed on record clearly establish that the rider of the motorcycle was not holding a valid driving licence as on the date of the accident and, therefore, there was a violation of the terms and conditions of the insurance policy. Consequently, the appellant-insurer is not liable to pay the award amount. However, since the deceased was a third party, the appellant-insurer shall first satisfy the award amount in favour of the claimants and thereafter be at liberty to recover the same from the owner of the motorcycle, in accordance with law.

In view of the above, this Court passes the following:

ORDER

- i. The appeal is ***allowed in part.***

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- ii. The appellant-insurer shall deposit the entire award amount, including interest, before the Tribunal within a period of six weeks from the date of receipt of a copy of this order.
- iii. Thereafter, the appellant-insurer shall be at liberty to recover the amount so deposited from the owner of the vehicle, who is respondent No.6 herein (respondent No.1 before the Tribunal), in accordance with law. Before releasing the amount, the Tribunal shall issue notice to respondent No.6 owner of vehicle calling upon him to furnish surety for the entire amount deposited by insurer payable to the claimants.
- iv. The amount in deposit is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

GJM/List No.: 2 SI No.: 23