



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1723 OF 2025(MV-D)

BETWEEN:

1. SMT. SUNANDA A.N
WIFE OF LATE V.T. MADHU,
AGED ABOUT 34 YEARS,
2. NISHANTH.V.M.
SON OF LATE V.T. MADHU,
AGED ABOUT 16 YEARS,
3. SHRI. THIRUMALEGOWDA
SON OF LATE THIMMEGOWDA,
AGED ABOUT 69 YEARS,
4. SMT. BORAMMA,
WIFE OF SHRI. THIRUMALEGOWDA,
AGED ABOUT 59 YEARS,

SINCE, SECOND APPELLANT IS A MINOR
REPRESENTED BY HIS MOTHER AND
NATURAL GUARDIAN SMT. SUNANDA A.N
(FIRST APPELLANT HEREIN)

APPELLANT NO.1 TO 4 ARE
RESIDING AT #130, VARANAHALLI,
CHANNARAYAPATNA TALUK,
CHOWLAGALA,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:32424-DB
MFA No. 1723 of 2025

CHANNARAYAPATNA,
HASSAN-573 111

...APPELLANTS

(BY SRI. Y.K SHESHAGIRI RAO, ADVOCATE)

AND:

1. SHRI. PRADEEP KUMAR
#11, 'B' BLOCK, 24TH CROSS,
YADIYUR POLICE QUARTERS,
JAYANANGAR, 6TH BLOCK,
BENGALURU-560 070

(R.C. OWNER OF I-20, CAR BEARING
REG.NO.KA-05-MU-8260)

2. ICICI LOMBARD GENERAL
INSURANCE CO.LTD
#121, THE ESTATE, 9TH FLOOR,
DICKENSON ROAD, M.G. ROAD,
BENGALURU-560 042

(POLICY NO. 3001/250215876/00/B00.
VALID FROM 17-06-2022 TO 16-06-2023)

...RESPONDENTS

(BY SRI. A.S GIRISH, ADVOCATE FOR R1,
SRI. A.N. KRISHNASWAMY, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.11.2024 PASSED IN MVC
NO. 1948/2023 ON THE FILE OF THE XIII ADDITIONAL SMALL
CAUSES JUDGE, ACJM, COURT OF SMALL CAUSES AND
MEMBER, MACT-15, BENGALURU CITY (SCCH-15), PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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



CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The appellants-claimants are before this Court under Section 173 of Motor Vehicles Act, 1988 (for short 'the Act'), being dissatisfied with the quantum of compensation awarded under judgment and award dated 19.11.2024 in M.V.C.No.1948/2023 on the file of Motor Vehicles Accident Claims Tribunal, Bangalore City, (SCCH-15) (for short 'the Tribunal'), with a prayer for enhancement of compensation.

2. Heard learned counsel Sri Y.K. Sheshagiri Rao for the appellants, learned counsel Sri A.S.Girish for respondent No.1 and learned counsel Sri A.N. Krishna Swamy for respondent No.2-Insurance Company.

3. Learned counsel for the appellants submitted that the claimants filed claim petition under Section 166 of Motor Vehicles Act, claiming compensation for the accidental death of Madhu, the husband of appellant No.1, in a road traffic accident occurred on 15.02.2023 involving Pulsar Bike bearing



registration No.KA-52/R-3548 and I-20 car bearing registration No.KA-05/MU-8260. It is stated that the deceased was aged 42 years and was working as a cook and earning salary of Rs.30,000/- per month.

4. On issuance of notice, respondent No.1 was placed *ex-parte* and respondent No.2-Insurance Company appeared before the Tribunal and filed its objection denying the entire claim petition averments. It is further stated that the driver of the offending vehicle was not holding valid and effective driving license as on the date of accident and also stated that the driver of the offending car was under the influence of alcohol. Hence, it claimed that there is breach of policy conditions and therefore, the Insurer is not liable to indemnify the owner. Thus, he would pray for dismissal of the claim petition.

5. The Tribunal, on appreciating the material on record, awarded total compensation of Rs.28,04,900/- along with interest at the rate of 6% per annum from the date of petition till the date of deposit of award amount, saddling the liability on respondent No.1-owner of the offending vehicle by



coming to the conclusion that the driver of the offending car was under the influence of alcohol.

6. Though several contentions are urged for enhancement of compensation, at the same time, learned counsel for respondent No.1 submits that respondent No.1 has filed I.A.No.1/2026 under Order XLI Rule 27(1)(aa) of CPC to place on record the additional documents. It is the contention of learned counsel for respondent No.1 that respondent No.1 is not the owner of offending car and as on the date of accident, one K.B. Abhishek was the owner of the offending car and in that respect 'B' Register extract has been placed on record as Document No.1.

7. Learned counsel for respondent No.1 would further submit that he is not the RC owner of offending car and a policy was issued in his name indicating the vehicle number, which involved in the accident i.e., offending car. Further, learned counsel would submit that no notice/summons in MVC was served on respondent No.1 and as such, could not participate in the proceedings before the Tribunal. Thus, he prays for an



opportunity to lead evidence so as to establish that he is not the owner of offending car.

8. Learned counsel Sri Y.K. Sheshagiri Rao for the appellants would submit that the appellants have no objection to remand the matter to the Tribunal so as to give an opportunity to respondent No.1 to establish that he is not the owner of offending car and further, he seeks permission to implead the RC owner, in case respondent No.1 establishes that he is not the owner of the offending car.

9. We have perused the affidavit filed along with I.A.No.1/2026 seeking permission to produce additional documents by respondent No.1, who was placed *ex-parte* before the Tribunal. The statement of respondent No.1 in the affidavit that he was not served with summons has to be believed in the absence of any other contrary material. Document No.1 produced along with I.A.No.1/2026 would indicate that in respect of the offending car bearing registration No.KA-05/MU-8260 one K.B. Abhishek is the owner in terms of 'B' Register extract issued by the Regional Transport Officer, Jayanagar, Bangalore. The documents produced along with



I.A.No.1/2026 would be necessary for proper adjudication of the *lis* between the parties. Therefore, we allow I.A.No.1/2026 and permit respondent No.1 to produce additional documents in the present appeal.

10. Learned counsel for the appellants, as stated above, has no objection to remand the matter to the Tribunal for fresh adjudication. Taking note of the submission of learned counsel for the appellants, learned counsel for respondent No.1 and learned counsel for respondent No.2-Insurance Company and the additional documents produced, we are of the opinion that the matter needs to be remanded for fresh trail with liberty to the parties to lead their evidence afresh. Accordingly, we pass the following:

ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and award dated 19.11.2024 in M.V.C.No.1948/2023 on the file of Motor Vehicles Claims Tribunal, Bangalore City, (SCCH-15) is set-aside and the matter is remitted back to the Tribunal.



- iii. The appellants and respondents are permitted to produce additional documents as well as to lead further evidence.
- iv. Respondent No.1 shall pay costs of Rs.25,000/- to the appellants-claimants on the date of appearance before the Tribunal. The parties shall appear before the Tribunal on 29.07.2026.

Registry is directed to return the Trial Court records forthwith.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 3