



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 1022 OF 2016 (MV-DM)

BETWEEN:

ALWIN MONOHAR
S/O HARSHA MABEN,
AGED ABOUT 41 YEARS,
EMPLOYEE IN WARE HOUSING,
R/AT PRABHAVATHI COMPOUND,
AGRAHARA, NEAR PANCHAYATH,
GAJANOOR AT POST,
SHIVAMOGGA TQ/DT. PIN-577201.

...APPELLANT

(BY SRI. PURANDRA RAMA NAIK, ADVOCATE FOR
SRI. RAVINDRANATH M, ADVOCATE)

AND:

1. ASHOK
S/O GIKA KOTA D COSTA,
AGED ABOUT 41 YEARS,
R/O NEAR KANNADA SCHOOL,
MURUDESHWARA,
BHATKAL TALUK, KARWAR-DT-581350
(DRIVER OF SEA BIRD BUS BEARING
REG.NO.KA-01-AA-1374)
2. NAGARAJAIAH H C
S/O NOT KNOWN,
AGE:MAJOR, SEA BIRD TOURIST CENTRE,
R/AT NO.12, 2ND CROSS,
NEAR SRI RAMA TEMPLE,
GANDHINAGARA,

Digitally
signed by
NIRMALA
DEVI
Location:
HIGH COURT
OF
KARNATAKA



BANGALORE-560009.
(OWNER OF SEA BIRD BUS
BEARING REG.NO.KA-01-AA-1374)

3. THE AUTHORIZED SIGNATORY
RELIANCE GENERAL INSURANCE CO.LTD.,
NO.28, EAST WING, 5TH FLOOR,
CENTENARY BUILDING,
M.G.ROAD, BANGALORE-560001.
(POLICY NO.1405702340000997)
4. THE AUTHORIZED SIGNATORY
ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD.,
"SUNDARAM TOWERS, NO.45 & 46,
WHITE ROAD, CHENNAI-600014.

...RESPONDENTS

(BY SRI. H C BETSUR, ADVOCATE FOR R3
SRI. RAVI S SAMPRATHI, ADVOCATE FOR R4
R1 & R2 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 10.09.2015 PASSED IN MVC
NO.734/2012 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE, & ADDITIONAL MACT-8, SHIVAMOGGA,
DISMISSING THE CLAIM PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA



ORAL JUDGMENT

1. The present appeal is filed by the claimant being aggrieved by the judgment and award dated 10.09.2015 passed in MVC NO.734/2012 on the file of the II Additional Senior Civil Judge & Additional MACT-8, Shivamogga, whereunder the claim petition filed by the appellant claiming the vehicle damage has been dismissed by the Tribunal.
2. Heard the submissions of learned counsel Sri Purandra Rama Naik for Sri Ravindranath M, for the claimant and learned counsel Sri Ravi S.Samprathi, for respondent No.4.
3. It is forthcoming that the claim petition was filed by the owner of the car bearing No.KA-19/MD-4156 alleging that when they were returning on 05.11.2011 to Shivamogga from Mysuru, a bus bearing No.KA-01/AA-1374 being driven in a rash and negligent manner came and hit the car, as a result of which, the car was damaged. The claimant got the car repaired and incurred a total sum of ₹84,930/-. The claim made by the claimant with his insurer (respondent No.3) was partly accepted and the said insurer paid a sum of ₹27,000/-.



4. The Tribunal, considering issue No.1 recorded a finding that the driver of the bus was wholly negligent in causing the accident in question. However, while considering the quantum of compensation, the Tribunal noticed that the claimant had received a reimbursement of ₹27,000/- from his insurer and on the said ground dismissed the claim petition. The said finding of the Tribunal is *ex facie* erroneous and liable to be interfered with.

5. The Tribunal having recorded a finding that the driver of the bus was negligent in causing the accident in question, the claimant being the owner of the car is entitled to claim the difference of the amount incurred by him towards the repair of the car, after deducting the amount reimbursed by his insurer.

6. It is noticed that the claimant has incurred a sum of ₹84,930/- . The representative of respondent No.3 - insurer has been examined as PW.3. He has deposed that the said insurer has paid a sum of ₹27,000/- towards the claim made by the claimant. Hence, the claimant is entitled to the difference



amount of (i.e., ₹84,930/- - ₹27,000/-) ₹57,930/- together with interest at 6% p.a.

7. Hence, the following:

ORDER

- i. The above appeal is partly allowed;
- ii. The judgment and award dated 10.09.2015 passed in MVC No.734/2012 on the file of the II Additional Senior Civil Judge & Additional MACT-8, Shivamogga, is set aside;
- iii. The petition in MVC No.734/2012 on the file of the II Additional Senior Civil Judge & Additional MACT-8, Shivamogga, is partly allowed and respondent Nos.3 and 4 are jointly and severally liable to pay the appellant/claimant a sum of ₹59,930/- together with interest at 6% p.a., from the date of petition till date of payment;
- iv. Having regard to the policy of insurance, respondent No.4 shall deposit the compensation awarded along with accrued interest within six weeks;



- v. After deposit of the aforesaid amount, the entire amount may be released in favour of the claimant digitally upon proper identification;
- vi. The records be transmitted to the Tribunal forthwith;
- vii. The registry to draw the modified award accordingly;
- viii. No costs.

Sd/-
(C.M. POONACHA)
JUDGE