



NC: 2026:KHC:52392
MFA No. 1530 of 2017

CNR: KAHC010222122017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.1530 OF 2017(MV-I)

BETWEEN:

UNITED INDIA INSURANCE CO. LTD.,
REGIONAL OFFICE,
5TH & 6TH FLOORS,
KRUSHI BHAVAN,
HUDSON CIRCLE
BANGALORE - 560 001
REP BY ITS DEPUTY MANAGER

...APPELLANT

(BY SRI JANARDHAN REDDY, ADVOCATE)

AND:

1. SRINIVAS
S/O NARAYANASWAMY,
AGED ABOUT 17 YEARS,
R/A NO.196, TRIVENINAGAR,
BANGALORE EAST,
BANGALORE - 560 016
SINCE 1ST RESPONDENT IS A MINOR
REP BY ITS NATURAL GUARDIAN
HIS FATHER NARAYANASWAMY.
2. SRINIVAS S
S/O SOWBHAGYA,
SADRAMANGALA,
KADUGODI PLANTATION,
KADUGODI,
BANGALORE - 560 067.
(INSURED OF THE A/R
NO.KA-01-AE-3970)

...RESPONDENTS

(V/C/O DATED 25.11.2025 NOTICE TO R1 & R2 IS H/S)

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 27.12.2016 PASSED IN MVC NO.4587/2015 ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSE JUDGE, & XIX ACMM, MEMBER, MACT, BENGALURU, AWARDED COMPENSATION OF RS.1,18,057/- WITH INTEREST @ 6% P.A. FROM THE DATE OF PETITION TILL DEPOSIT IN TRIBUNAL.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 27.12.2016 passed by XXI Additional Small Causes Judge & XIX ACMM, Member - MACT, Bengaluru in MVC no.4587/2015, this appeal is filed.

2. Sri Janardana Reddy, learned counsel for appellant submitted that appeal was by insurer assailing finding of Tribunal on liability.

3. Brief facts leading to this appeal are that on at 08:45 a.m. on 12.09.2015, when claimant was walking by side of road near Ayappanagar Circle, KR Puram, Bengaluru, driver of Auto-rickshaw no.KA-01-AE-3970 drove it in rash and negligent manner and it dashed against claimant causing



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accident. Despite treatment, claimant did not recover fully. As on date of accident, claimant was 15 years old student. Therefore, claiming compensation, claim petition under Section 166 of Motor Vehicles Act, 1988 (**MV Act**) against owner and insurer of auto-rickshaw was filed.

4. On appearance, claim petition was opposed on all grounds including violation of terms and conditions of policy specifically on ground that that vehicle did not have permit to ply on road.

5. Based on pleadings, Tribunal framed issues and recorded evidence:

ISSUES:

- 1. Whether the petitioner proves that he had sustained grievous injuries in RTA that alleged to have been occurred on 12.09.2015 at about 8:45 a.m., on Ayyappanagar Main Road, near Ayyappanagar Circle, K.R.Puram, Bangalore and the petitioner sustained injuries due to rash and negligent driving of the autorickshaw driver, vehicle bearing No.KA-01-AE-3970?*
- 2. Whether the petitioner is entitled for compensation as claimed? If so, to what amount and from whom?*
- 3. What order?*



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6. Mother of claimant was examined as PW.1 and got marked Exhibits P1 to P19. Insurer examined its official as RW.1 and got marked copy of charge sheet as Exhibit R1.

7. On consideration, Tribunal answered issues in favour of claimant, assessed total compensation of Rs.1,18,057/- and held insurer liable to pay same with interest at 6% p.a. from date of petition till deposit. Dissatisfied with finding on liability, appeal was filed.

8. Sole ground on which finding of liability was challenged was that accident occurred on 12.09.2015. Though policy issued covered date of accident, Ex.R1 - charge sheet would indicate that driver of insured vehicle was not only alleged to have committed offences under Sections 279 and 338 of Indian Penal Code, 1860 (**IPC**) but also under Sections 66 and 192(A) of MV Act. Specific imputations in column no.17 of charge sheet would also indicate about plying vehicle with expired permit leading to liability of insurer being absolved. On said grounds, sought for allowing appeal.

9. Respondents are served. Service of notice on respondent is held sufficient. There is no opposition to appeal.



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10. Heard learned counsel, perused impugned judgment and award and record.

11. This appeal is by insurer solely on liability.

Therefore, point arises for consideration is:

Whether Tribunal was justified in holding insurer liable to pay compensation even in absence of permit?

12. Hon'ble Supreme Court in case of **Amritpal Singh & Anr. v. Tata AIG General Insurance Co. Ltd.** reported in **(2018) 7 SCC 558** has in cases of plying of insured vehicle without permit, held that insurer would be liable to pay compensation to third party claimants in first place and thereafter, recover it from insured/driver of vehicle. Said ratio would squarely cover point for consideration.

13. Consequently, following:

ORDER

(i) Appeal is ***allowed in part;***

(ii) Judgment and award dated 27.12.2016
passed by XXI Additional Small Causes Judge



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& XIX ACMM, Member-MACT, Bengaluru in
MVC no.4587/2015 stands *modified*;

- (iii) Insurer is held liable to pay compensation awarded by Tribunal to third party claimant with interest in first place and thereafter, would be entitled to recover same from insured/driver of vehicle without need for separate proceedings;
- (iv) Amount in deposit is ordered to be transmitted to Tribunal for disbursal;
- (v) Balance amount to be deposited within six weeks;
- (vi) On deposit, entire compensation to be released in favour of claimant.

Sd/-
(RAVI V HOSMANI)
JUDGE