



CNR: KAHC010238092017

NC: 2026:KHC:43772
MFA No. 1813 of 2017
C/W MFA No. 1812 of 2017
MFA.CROB No. 30 of 2018
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1813 OF 2017 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 1812 OF 2017 (MV-I)

MFA CROSS OBJECTION NO. 30 OF 2018 (MV-I)

MFA CROSS OBJECTION NO. 31 OF 2018 (MV-I)

IN MFA No. 1813/2017:

BETWEEN:

THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE
COMPANY LIMITED.,
DIVISIONAL OFFICE-I, BALLAL CIRCLE
CHAMRAJAPURAM
MYSORE-570 005.

BY
REGIONAL MANAGER
UNITED INDIA INSURANCE CO.LTD.
5TH FLOOR, KRISHI BHAVAN
NRUPATHUNGA ROAD
HUDSON CIRCLE
BANGALORE-560 027
BY IT'S MANAGER.

...APPELLANT

(BY SRI. O MAHESH., ADVOCATE)

AND:

1. CHANDANA
MINOR

Digitally signed by
PADMASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



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AGED BOUT 14 YEARS
D/O RAJEGOWDA
R/O MUDALAKOPPALU VILLAGE
BILIKERE HOBLI
HUNASUR TALUK
MYSORE DISTIRCT-570 001

SINCE RESPONDENT IS MINOR
SHE IS REPRESENTED BY HER
NATURAL GUARDIAN MOTHER
SMT.JYOTHI

2. SOMAIAH
AGE 44 YEARS
S/O RAMAIAHR/O NO.16
KOLAGATTA VILLAGE
HUNSUR TALUK
MYSURU DISTRICT-570 001.

...RESPONDENTS

(BY SRI. R VIDYASAGAR., ADVOCATE FOR R2,
SMT. SUMA KEDILAYA, ADVOCATE FOR R1)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 14.09.2016 PASSED IN MVC
NO.923/2013 ON THE FILE OF THE JUDGE, ADDITIONAL
COURT OF SMALL CAUSES, MYSURU, AS A PRESIDING
OFFICER, MACT, MYSURU, AWARDING COMPENSATION OF
Rs.2,42,878/- WITH INTEREST @ 9% P.A. FROM THE DATE OF
PETITION TILL REALIZATION.

IN MFA NO. 1812/2017:

BETWEEN:

THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE
COMPANY LIMITED.,
DIVISIONAL OFFICE-I, BALLAL CIRCLE
CHAMRAJAPURAM
MYSORE-570 005.
BY



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REGIONAL MANAGER
UNITED INDIA INSURANCE CO.LTD.
5TH FLOOR, KRISHI BHAVAN
NRUPATHUNGA ROAD
HUDSON CIRCLE
BANGALORE-560 027
BY IT'S MANAGER

...APPELLANT

(BY SRI. O MAHESH., ADVOCATE)

AND:

1. CHAITHRA
MINOR
AGED BOUT 17 YEARS
D/O RAJEGOWDA
R/O MUDALAKOPPALU VILLAGE
BILIKERE HOBLI
HUNASUR TALUK
MYSORE DISTIRCT-570 001

SINCE RESPONDENT IS MINOR
SHE IS REPRESENTED BY HER
NATURAL GUARDIAN MOTHER
SMT. JYOTHI

2. SOMAIAH
AGE 44 YEARS
S/O RAMAIAHR/O NO.16
KOLAGATTA VILLAGE
HUNSUR TALUK
MYSURU DISTRICT-570 001.

...RESPONDENTS

(BY SRI. R VIDYASAGAR., ADVOCATE FOR R2,
SMT. SUMA KEDILAYA, ADVOCATE FOR R1)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 14.09.2016 PASSED IN MVC
NO.921/13 ON THE FILE OF THE JUDGE, ADDITIONAL SMALL



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CAUSES & SENIOR CIVIL JUDGE, MYSURU, AWARDING
COMPENSATION OF RS.2,58,878/- WITH INTEREST AT 9%
P.A. FROM THE DATE OF PETITION TILL ITS REALISATION.

IN MFA.CROB NO. 30/2018:

BETWEEN:

CHAITHRA
AGED ABOUT 17 YEARS
D/O RAJEGOWDA
R/O MUDALAKOPPALU VILLAGE
BILIKERE HOBLI HUNASUR TALUK
MYSORE DISTRICT
SINCE RESPONDENT IS MINOR
SHE IS REPRESENTED BY HER
NATURAL GUARDIAN MOTHER
SMT.JYOTHI

...CROSS OBJECTOR

(BY SRI. PADMANABHA KEDILAYA V., ADVOCATE)

AND:

1. SOMAIAH
S/O RAMAIAH,
R/AT NO.16, KOLAGATTA VILLAGE,
HUNSUR TALUK, MYSORE,
KODAGU DISTRICT-571 105.
2. UNITED INDIA INSURANCE CO.LTD.
DIVISIONAL OFFICE I, BALLAL CIRCLE,
CHAMARAJANAGARAM ,
MYSORE-570 005.

...RESPONDENTS

(V/O DTD: 15.09.2025 NOTICE TO R1 IS D/W,
V/O DTD: 10.11.2025 SRI. O. MAHESH, ADVOCATE FOR R2)

THIS MFA CROB IN MFA NO.1812/2017 PASSED U/O.41
RULE 22 OF CPC, AGAINST THE JUDGMENT AND AWARD
DT.14.09.2016 PASSED ON MVC NO.921/2013 ON THE FILE
OF THE JUDGE, ADDITIONAL SMALL CAUSES AND SENIOR



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CIVIL JUDGE, MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA.CROB NO. 31/2018:

BETWEEN:

CHANDANA
AGED ABOUT 16 YEARS
D/O RAJEGOWDA
R/O MUDALAKOPPALU VILLAGE
BILIKERE HOBLI HUNASUR TALUK
MYSORE DISTRICT
SINCE RESPONDENT IS MINOR
SHE IS REPRESENTED BY HER
NATURAL GUARDIAN MOTHER
SMT. JYOTHI

...CROSS OBJECTOR

(BY SRI. PADMANABHA KEDILAYA V., ADVOCATE)

AND:

1. SOMAIAH
S/O RAMAIAH,
AGED ABOUT 45 YEARS
R/AT NO.16, KOLAGATTA VILLAGE,
HUNSUR TALUK, MYSORE,
KODAGU DISTRICT-571 105.
2. UNITED INDIA INSURANCE CO.LTD.
DIVISIONAL OFFICE I, BALLAL CIRCLE,
CHAMARAJANAGARAM ,
MYSORE-570 005.

...RESPONDENTS

(BY SRI. O. MAHESH., ADVOCATE FOR R2,
V/O DTD:02.07.2025 NOTICE TO R1 STANDS DISMISSED)

THIS MFA CROB IN MFA 1813/2017 PASSED U/O.41 RULE 22 R/W 173(1) OF THE MV ACT, AGAINST THE JUDGMENT AND



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AWARD DT.14.09.2016 PASSED IN MVC NO.923/2013 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES AND SENIOR CIVIL JUDGE, MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS HAVING BEEN HEARD AND RESERVED ON 28.07.2026 COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **P SREE SUDHA J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

CAV JUDGMENT

The Motor Accident Claims Tribunal, Mysuru (In the Court of the Judge, Additional Small Causes and Senior Civil Judge, Mysuru) passed a common award in MVC Nos.921 of 2013 and 923 of 2013 on 14.09.2016. It is stated that on 22.07.2013, when the petitioners were going on motorbike bearing Reg. No.KA-45-Q-8384 as a pillion riders, at that time, the driver of vehicle bearing No.KA-45-5949 came in a rash and negligent manner, took the vehicle to extreme right side of road and dashed the motorbike. As a result, both the petitioners fell down and sustained injuries and they filed claim petitions claiming compensation of Rs.7,70,000/- and Rs.6,45,000/- respectively. The Tribunal considered the entire evidence on



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record and granted amount of Rs.2,58,878/ and Rs.2,42,878/- respectively with interest at the rate of 9% per annum from date of petition till realization.

2. Aggrieved by the said order, the Divisional Manager of United India Insurance Company Limited has filed M.F.A. Nos.1812 of 2017 and 1813 of 2017 against the award passed in MVC Nos.921 of 2013 and 923 of 2013 respectively and mainly contended that there was no compliance of mandatory provisions of Sections 134(C) of M.V. Act either by insured or of section 158(6) of the M.V. Act by both the insured. The concerned Investigating Officer and insurer was kept in darkness regarding accident. It is contended that the claim petition is not maintainable as it is bad for non-joinder proper and necessary parties. Driver of the insured goods auto and rider, owner and insurer of the Motorcycle was involved in the accident, and it is their statutory obligation under Rule 235 of the Karnataka Motor Vehicles Rules, 1989, to send notices to owner and driver of the vehicles said to have been involved in the accident and call upon them to produce evidence on the issue of negligence as per citation reported in **2008 ACJ 1964**



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in the case of ***Machindranath Kernath Kasar Vs. D. S. Mylarappa and others***. In the said citation, it was held that driver is a necessary party to decide the issue of negligence. The Tribunal ought to have said that there was contributory negligence. PW1 is not an eyewitness and tribunal rely upon police investigation reports and even otherwise failed to notice that carrying two pillion riders without headgear is in violation of 230 of the KMV Rules, 1989 and that itself amounts to contributory negligence on the part of the rider of the motorcycle. The Tribunal granted Rs.1,00,000/- under the head loss of income due to the permanent disability. It is further contended that the driver of the insured goods auto has DL for LMV only. But still the liability was settled against the insurer based on the rulings of Apex Court. The DL in question was issued on 24.07.2009 and valid date 23.07.2029 for 20 years. For transport vehicle, period of permit was 3 years and authorisation to drive the transport vehicle was obtained on 20.06.2014, i.e. after the accident. It is also contended Section 10 of the MV Act was amended with effect from 14.11.1994 to do away with the class/category of the transport vehicles to



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introduce the word transport vehicle in its place and the relevant rule came to be amended only on 28.03.2001. So after the amendment with effect on 28.03.2001, driving licence should authorise the holder to drive a transport vehicle though it is a light-goods vehicle, comes under the definition of light motor vehicle as per the citation in the case of ***Annappa Irappa Nesaria***. Therefore, requested to set aside the award dated 14.09.2016 passed by the Tribunal.

3. The petitioners, who were pillion riders, in MVC Nos.921 of 2013 and 923 of 2013 have filed MFA Cr.Ob. Nos.30 of 2018 and 31 of 2018 respectively and they mainly contended they sustained fracture injuries which are grievous in nature. The Tribunal granted meagre amount under the other heads. As per Exhibit R2, driver possessed licence to drive LMV and he was authorized to drive the vehicle also as per the citation of the Hon'ble Supreme Court in the case of *Mukund Dewangan* case and requested, this Court to enhance compensation and also grant interest at the rate of 10% per annum.



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4. Heard the argument of learned counsel for both sides and perused the record.

5. The manner of accident shows that on 22.07.2013 at about 08.00 a.m., when the petitioners were going on motorbike bearing Reg. No.KA-45-Q-8384 as a pillion riders, at that time, the driver of vehicle bearing No.KA-45-5949 came in rash and negligent manner to the extreme right side of the road and dashed the motorbike. As a result, both the petitioners fell down and sustained various injuries. It is stated that the vehicle although involved in the accident was insured with respondent insurance company, but the driver was not holding valid and effective driving licence. After the service of notice, both the respondents appeared. Respondent No.2 before the Tribunal filed objections contending that the goods auto involved in the accident was insured by insurance company. But, driver was not holding a valid and effective driving license. Rider was carrying two pillion riders. As such, insurance company is not liable to pay the compensation and petitions are bad for non-joinder of necessary parties. It was observed that, police have not filed charge sheet for violation of



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provisions of Section 3 r/w 181 of M.V.Act. As per Exhibit R2, the driver of the vehicle in question was holding licence to drive LMV. The Tribunal relied on the citation of the Hon'ble Supreme Court reported in **2015 Kar MAC 217 SC** in the case of **Kulvanth Singh and others**, and observed that if the driver possessed licence to drive LMV – authorized to drive light goods vehicle well, as such no breach of policy. So, the goods auto having three wheels also comes under the category of LMV.

6. The main contention of the insurance company is that both the petitioners were pillion riders and it is a case of triple riding and it is in violation of the terms and conditions of the policy and they are not liable to pay compensation. But, admittedly, no charge sheet is filed for violation of provisions of Sec.3 r/w 181 of M.V Act. Even if it is admitted that it is a case of triple riding, both the petitioners are liable for the payment of fine, and on that ground, the insurance company cannot be absolved from paying the compensation.

7. The learned counsel for the insurance company contended that it amounts to contributory negligence on the



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part of the rider of the motor bike. But, the manner of accident is, while petitioners i.e. two pillion riders, crossing on a motorbike, the driver of the goods auto came to the extreme right side of the road and dashed against the motorbike. Therefore, it cannot be said that there is contributory negligence on the part of the rider or pillion riders, who claimed compensation before this Court. Therefore, the said contention of the insurance company in respect of contributory negligence cannot be accepted. Therefore, the appeals filed by the insurance company are liable to be dismissed.

8. In M.F.A Cr.Ob. No.30 of 2018 filed by the petitioner in MVC No.921 of 2013 aged 12 years. The petitioner sustained Type IV distal Femoral Epiphyseal injury right. The Tribunal granted Rs.1,00,000/- towards loss of income due to permanent disability and Rs.1,31,000/- for medical expenses and this Court finds no reason to interfere with the said amount.

9. However, the petitioner was admitted in the hospital for period of 9 days. Considering the nature of injuries, period



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of hospitalisation and other relevant factors, this Court finds it just and reasonable to grant Rs.15,000/- for pain and suffering, Rs.15,000/- for loss of amenities and Rs.15,000/- for transportation and extra nourishment. In all, the petitioner is entitled for total compensation of Rs.2,76,000/- with interest at 6% per annum as against the award of Rs.2,58,878/- awarded by the Tribunal.

10. The award of compensation passed by the Tribunal is modified as under:

Heads	Amount in Rs.
1. Loss of income due to permanent disability	1,00,000/-
2. Medical expenses	1,31,000 /-
3. Pain and Suffering	15,000/-
4. Loss of amenities	15,000/-
5. Transportation and extra nourishment	15,000/-
Total	2,76,000/-

11. In M.F.A Cr.Ob. No.31 of 2018 filed by the petitioner in MVC No.923 of 2013 aged 10 years. The petitioner sustained fracture shaft of right femur. The Tribunal granted Rs.1,00,000/- towards loss of income due to permanent



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disability and Rs.1,15,000/- for medical expenses and this Court finds no interference with the said amount.

12. However, the petitioner was admitted in the hospital for period of 9 days. Considering the nature of injuries, period of hospitalisation and other relevant factors, this Court finds it just and reasonable to grant Rs.15,000/- for pain and suffering, Rs.15,000/- for loss of amenities and Rs.15,000/- for transportation and extra nourishment. In all, the petitioner is entitled for total compensation of Rs.2,60,000/- with interest at 6% per annum as against the award of Rs.2,42,878/- awarded by the Tribunal.

13. The award of compensation passed by the Tribunal is modified as under:

Heads	Amount in Rs.
1. Loss of income due to permanent disability	1,00,000/-
2. Medical expenses	1,15,000 /-
3. Pain and Suffering	15,000/-
4. Loss of amenities	15,000/-
5. Transportation and extra nourishment	15,000/-
Total	2,60,000/-



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14. In the result, the following order is passed:

(i) M.F.A Nos. 1812 of 2017 and 1813 of 2017 are devoid of merits and are hereby dismissed.

(ii) MFA Crob. Nos.30 of 2018 and 31 of 2018 are allowed in part.

(iii) The claimants in MFA Crob. Nos.30 of 2018 and 31 of 2018 are entitled for the total compensation of Rs. 2,76,000/-and Rs.2,60,000/- respectively, with interest at 6% per annum from the date of petition till the date of realization.

(iv) The insurance company has already deposited the award amount before the Tribunal, and therefore, they are directed to deposit the enhanced amount of Rs.17,122/- and Rs.17,122/- respectively with interest at 6% per annum within one month from the date of this order.

(v) On such deposit, the claimants are permitted to withdraw the entire amount along with the interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE