



CNR: KAHC010107472020

NC: 2026:KHC:46922
MFA No. 3024 of 2020
C/W MFA No. 3778 of 2020

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF AUGUST, 2026**

**BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
MISCELLANEOUS FIRST APPEAL NO. 3024 OF 2020 (MV-I)
C/W
MISCELLANEOUS FIRST APPEAL NO. 3778 OF 2020 (MV-I)**

IN MFA No. 3024/2020:

BETWEEN:

SUNIL KUMAR S
S/O. LATE SUDARSHANRAJU,
AGED ABOUT 25 YEARS,
RESIDIGN AT NO.160/E,
16TH MAIN ROAD, VIJAYANAGAR,
BENGALURU-560 040.

...APPELLANT

(BY SRI. M.S. NAGARAJA, ADVOCATE)

AND:

1. SMT. KOUSALYA
W/O LATE VENKATARAMANA SWAMY,
AGED ABOUT 67 YEARS,
R/O NO.246, SHERAGARA STREET,
KOTE, KANAKAPURA TOWN,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD
MICRO OFFICE,
K.R.PURAM, NO.484/2,
SADHU CHINNAMMA BUILDING,
2ND FLOOR, OPPOSITE SYNDICATE BANK,
K.R.PURA,
BENGALURU-560 054.

...RESPONDENTS

(BY SMT. SHILPA RANI C., ADVOCATE FOR R1;
SRI. RAVISH BENNI, ADVOCATE FOR R2)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 18.12.2019 PASSED IN MVC NO.182/2018 ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA TO SIT AT MACT, KANAKAPURA, AWARDED COMPENSATION OF RS.2,64,650/- WITH INTEREST AT 7 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF REALIZATION.

IN MFA NO. 3778/2020:

BETWEEN:

SMT. KOUSALYA
W/O LATE VENKATARAMANA SWAMY
AGED ABOUT 67 YEARS,
R/AT NO.246, SHREGAR STREET, KOTE,
KANAKAPURA TOWN
KANAKAPURA TALUK
RAMANAGARA DISTRICT-562117.

...APPELLANT

(BY SMT. SHILPA RANI C., ADVOCATE)

AND:

1. MR. SUNIL KUMAR S
S/O LATE SUDARSHANRAJU
MAJOR
R/AT NO.160/E, 16TH MAIN ROAD,
VIJAYANAGARA
BENGALURU-560040
(OWNER OF MOTOR CYCLE)
2. THE BRANCH MANAGER
UNITED INDIA INSURANCE CO. LTD
MICRO OFFICE, K R PURAM,
NO.484/2, SADHU CHINNAMMA BUILDING,
2ND FLOOR, OPP. SYNDICATE BANK
K.R. PURAM
BENGALURU-560036
(INSURER OF THE MOTOR CYCLE EX-PARTE)

...RESPONDENTS

(BY SRI. S KRISHANA KISHORE, ADVOCATE FOR R2;
R1 NOTICE SERVED)



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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 18.12.2019, PASSED IN MVC NO.182/2018, ON THE FILE OF THE II-ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT, RAMANAGAR TO SIT AT KANAKAPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals arising out of the judgment and award passed in MVC No.182/2018 dated 18.12.2019 by the II Addl. District and Sessions Judge, Ramanagara, Sitting at Kanakapura and MACT Kanakapura (for short, 'the Tribunal'), whereby the Tribunal partly allowed the claim petition and awarded a compensation of Rs.2,64,650/- with 7% interest.

2. The brief facts which are necessary for disposal of these appeals are, on 17.02.2018 at about 01.30 p.m., the claimant - Kousalya was walking in front of Ravi Motorbike Garage on left side of Kanakapura-Sathanur main road, the rider of Bajaj Pulsar motorcycle bearing registration No.KA-02/JA-4111, rode the motorcycle in a rash and negligent manner and dashed the claimant. Due to the impact, the



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C/W MFA No. 3778 of 2020

claimant fell on the road and sustained severe injuries all over the body. Thereafter, she took treatment at Kanaka Hospital, Kanakapura and from there to Vasavi Hospital, Bangalore. As such, she filed a claim petition claiming compensation for the accidental injuries she had sustained.

3. The Tribunal, upon assessment of oral and documentary evidence, partly allowed the claim petition as stated supra. The said judgment is challenged by both the insured as well as the claimant. The insured has preferred MFA No.3024/2020 and the claimant has preferred MFA No.3778/2020.

4. Heard learned counsel for the respective parties.

5. The primary contention of the learned counsel for the insured/owner of the offending motorcycle is that the Tribunal has grossly erred while saddling the entire liability on the insured for the reason that the rider of the offending motorcycle was not possessing valid driving license at the time of accident. According to the learned counsel, the rider of the motorcycle was possessing valid driving license at the time of accident. However, inadvertently, the same was not produced



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before the Tribunal. As such, he submits that, now that the driving license of the rider of the motorcycle is readily available, if an opportunity is extended to the insured to produce the same before the Tribunal by remanding the matter, he is able to produce the same. As such, he prays to remand the matter for fresh consideration of the claim by the Tribunal, by extending opportunity to the parties to lead evidence.

6. The aforesaid prayer of the learned counsel for the insured is not seriously opposed by the learned counsel for the claimant. Learned counsel for the claimant contented that, despite granting sufficient opportunity to the insured to produce the driving license before the Tribunal, he failed to do so, however, since now that the insured has secured the driving license, he may be permitted to produce the same before the Tribunal by remanding the matter.

7. Learned counsel for the Insurance Company contented that, before the Tribunal, the insured has filed his statement of objections and contested the matter, despite, he failed to produce the driving license. In such circumstances, he submits that if this Court inclined to remand the matter to the



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Tribunal, the insured is liable to pay the interest component from the date of judgment passed in MVC No.182/2018 dated 18.12.2019 till disposal of the claim petition on remand.

8. I have given my anxious consideration both on the submission and perused the evidence on record.

9. As could be gathered from records, the accident in question and coverage of insurance policy to the offending motorcycle are not in dispute. The Tribunal, on assessment of the evidence on record, exonerated the Insurance Company for the reason that the insured has failed to produce the driving license of the rider of the motorcycle. Moreover, the jurisdictional Police laid a charge sheet against the rider of the motorcycle under Sections 279 and 338 of IPC and Section 181 r/w Section 187 of Motor Vehicles Act.

10. The contention raised by the learned counsel for the insured, now that the he has secured the driving license of the rider of the motorcycle with great difficulty, which was valid as on the date of accident, as such, an opportunity has to be extended to him to produce the driving license before the Tribunal by remanding the matter appears to be sound and



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reasonable. I find substantial force in the said contention of the learned counsel. Accordingly, in my considered view, the matter requires reconsideration at the hands of the Tribunal. Accordingly, I proceed to pass the following:

ORDER

- i. The appeals are ***allowed***.
- ii. The judgment and award dated 18.12.2019 passed in MVC No.182/2018 by the II Addl. District and Sessions Judge, Ramanagara, Sitting at Kanakapura and MACT Kanakapura, is set-aside and the matter is remitted back to the Tribunal for fresh consideration.
- iii. The parties are at liberty to lead any further evidence and to produce documents, if any and all the contentions are left open.
- iv. The Tribunal is at liberty to frame any additional issues, if requires to dispose of the case.
- v. The parties shall appear before the Tribunal on **28.10.2026** without expecting any further notice.



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- vi. Since the accident is of the year 2018, the Tribunal is requested to dispose of the claim petition at the earliest.
- vii. Registry is directed to send back the TCR along with certified copy of the judgment to the concerned Tribunal forth with.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 37