



CNR: KAHC010253952021

NC: 2026:KHC:44264
WP No. 13340 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 13340 OF 2021 (GM-AC)

BETWEEN:

M/S. THE ORIENTAL INSURANCE
COMPANY LIMITED,
MOTOR CLAIMS HUB,
NO. 44/45, LEO COMPLEX
RESIDENCY ROAD,
BENGALURU - 560 001
REPRESENTED BY ITS MANAGER.

...PETITIONER

(BY SRI. B.S. UMESH, ADVOCATE)

AND:

1. BHIMARAYA
S/O MALLAPPA
AGED ABOUT 35 YEARS
RESIDING AT NO. 304
7TH CROSS, SHIVAPURA
NEAR ALLIMARA, 2ND STAGE
BENGALURU NORTH
PEENYA SMALL INDUSTRIAL AREA
BENGALURU - 560 066.
2. LOHITH P
S/O PATALAPPA
DODDAJALA, MEENAKUNTE HOSUR
BENGALURU NORTH TALUK

Digitally signed
by
ANNA PURNA G
Location: High
Court of
Karnataka



CNR: KAHC010253952021

NC: 2026:KHC:44264
WP No. 13340 of 2021

BENGALURU - 562 157.

...RESPONDENTS

(BY SRI. JAGADEESH H.T, ADVOCATE FOR R1;
R2 - SERVED)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORD IN MVC NO.7284/2019 ON THE FILE OF SMALL CAUSES JUDGE AND MACT (SCCH-18) AT BENGALURU AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

This petition is filed by the petitioner/Insurance Company seeking to set aside the order dated 31.03.2021 passed in MVC No.7284/2019 on the file of Small Causes Judge and Motor Accident Claims Tribunal, Bengaluru (SCCH-18), (hereinafter referred to as "the Tribunal").

2. In terms of the said order, upon the request of the parties, the matter was referred to the Lok Adalat and on filing a joint memo, the matter was settled before the



CNR: KAHC010253952021

Lok Adalat, for payment of compensation of Rs.2,15,000/-, together with interest at the rate of 9%, within 30 days thereafter.

3. The present petition is filed by the petitioner/Insurance Company contending that at the time of filing the Joint memo, it was unaware that the driver of the offending vehicle did not possess a valid driving licence. According to the petitioner/Insurance Company this mistake of fact has resulted in the passing of the award by the Lok Adalat, warranting interference by this Court.

4. Learned counsel for the petitioner after arguing the matter, submits that, the petitioner/Insurance Company has no objection in depositing the amount and the has also no objection in claimant withdrawing the same. However, if liberty is reserved to the petitioner to seek recovery of the amount from the owner or the driver



of the vehicle, as the case may be, the purpose of the petition would be served.

5. Heard and perused the records.

6. The records reveal that, though the owner of the offending vehicle was served with notice, he remained absent.

7. The matter was referred to the Lok Adalat at the instance of the petitioner/Insurance Company and the respondents/claimants. Therefore, the owner of the offending vehicle was not a party to the proceedings before the Lok Adalat.

8. It is a settled principle of law that, in a claim made in respect of an offending vehicle whose driver did not possess a valid licence, the Insurance Company may be granted liberty to pay and recover the amount from the owner of the offending vehicle. Present case falls in such category, as such, this Court deems it appropriate to reserve such liberty to the petitioner/ Insurance Company



**NC: 2026:KHC:44264
WP No. 13340 of 2021**

CNR: KAHC010253952021

to pay the award amount and to seek recovery of the same in accordance with law. For this limited purpose, the matter is remitted to the Tribunal, which shall look into the case and grant relief in accordance with law.

9. The petitioner/Insurance Company shall deposit the amount settled before the Lok Adalat, together with interest, within four weeks from the date of receipt of certified copy of this order.

10. The respondents/claimants shall be entitled to withdraw the same.

11. With the above observations, the petition is ***disposed of***. The matter is remitted to the Tribunal, which after affording sufficient opportunity to the parties concerned, shall proceed in accordance with law.

Sd/-
(M.G.S. KAMAL)
JUDGE

TMP
List No.: 1 Sl No.: 1