



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

AND

THE HON'BLE MS. JUSTICE JYOTI M

REVIEW PETITION NO.584 OF 2022

BETWEEN:

THE ORIENTAL INSURANCE COMPANY LIMITED
NO.2023, HIG III PHASE,
YELAHANKA NEW TOWN,
BANGALORE - 560064.
REP. BY AUTHORISED SIGNATOURY AT
REGIONAL OFFICE, 44/45, LEO SHOPPING
COMPLEX, RESIDENCY ROAD,
BANGALORE 560025.

...PETITIONER

(BY SRI. SRISHAILA.S., ADVOCATE (VC))

AND:

1. SMT. NARASAMMA W/O LATE NARAYANASWAMY,
2. KRISHNA S/O NARAYANASWAMY, MINOR,
3. AMRUTHA D/O NARAYANASWAMY, MINOR,

(NO.2 & 3 BEING MINORS, ARE
REPRESENTED BY MOTHER/NATURAL GUARDIAN)



4. DODDA PEGULAPPA
S/O NARAYANASWAMY,
5. JAYAMMA W/O DODDAPEGULAPPA
6. SHAKUNTALAMMA
W/O NARAYANASWAMY,
7. LALITHA D/O NARAYANASWAMY,
MINOR
8. ANAND S/O NARAYANASWAMY, MINOR,

(NOS.7 & 8 BEING MINORS,
REP. BY THEIR MOTHER AND
NATURAL GUARDIAN R6)

NOS.1 TO 8 ARE R/AT NO.97,
CHIKKA THATTAMANGALA VILLAGE,
MANDEBELE POST,
DEVANAHALLI TALUK, BANGALORE DISTRICT-
562102.

9. R N MURALI PRASAD
S/O R.B.NARAYANASWAMY
MAJOR, MELLURU, MELURUL POST,
SHIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT-562122
10. MRS. A.LAKSHMI
MAJOR, W/O A.MANI,
C/O RAM TRANSPORT, NO.29,
INDUSTRIAL SUBURB,
YESHWANTHAPUR,
BANGALORE - 560022.



11. THE UNITED INDIA INSURANCE
COMPANY LIMITED
SAMPIGE ROAD,
MALLESHWARAM, BANGALORE
THROUGH ITS REGIONAL OFFICE,
KRISHI BHAVAN BLDG.
NRUPATUNGA ROAD,
BENGALURU - 5600 01
BY ITS DEPUTY MANAGER.

...RESPONDENTS

(BY SRI. MUNIYAPPA.D.NAVEEN, ADV. FOR R1 TO R5;
SRI. BHUVAN.B.M., ADV. FOR
SRI. B.C.SEETHARAMA RAO, ADV. FOR R11)

THE REVIEW PETITION IS FILED UNDER ORDER 47 RULE
1 R/W SECTION 114 OF CPC, PRAYING TO REVIEW THE
IMPUGNED JUDGEMENT DATED 28/11/2019 PASSED IN THE
CASE MFA NO. 8720/2017, ALLOW THIS REVIEW PETITION
AND GRANT SUCH OTHER AND FURTHER RELIEFS AS IS
DEEMED FIT AND PROPER TO BE GRANTED UNDER THE
CIRCUMSTANCES OF THE CASE AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI
and
HON'BLE MS. JUSTICE JYOTI M



ORAL ORDER

(PER: HON'BLE MR. JUSTICE ASHOK S.KINAGI)

This review petition is filed to review the judgment dated 28.11.2019 passed in MFA.No.8720/2017.

2. The brief facts, leading rise to the filing of this review petition are as follows:

3. The claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), claiming compensation in MVC.No.1970/2013 before the Motor Accident Claims Tribunal & V Additional Judge, Court of Small Causes, Mayo Hall Unit, Bengaluru. The Tribunal vide judgment and award dated 06.10.2017 allowed the claim petition with cost and held that the respondents i.e., United India Insurance Company Limited and Oriental Insurance Company Limited are liable to deposit the compensation in equal share. The United India Insurance Company Limited aggrieved by the judgment and award dated 06.10.2017 passed in MVC.No.1970/2013 preferred appeal in MFA.No.8720/2017. The matter was listed before the Court on 13.04.2018. After hearing learned counsel for the appellant therein, service of notice on respondent Nos.6



to 8 therein was dispensed with as prayed for by the appellant at its risk. While passing the judgment, this Court allowed the appeal in part and held that United India Insurance Company Limited and Oriental Insurance Company Limited shall satisfy the award in equal proportion.

4. The petitioner filed this review petition contending that the petitioner has also filed an appeal in MFA.No.9699/2017 which is pending for consideration. No notice was issued in MFA.No.8720/2017. The judgment passed by this Court in the aforesaid MFA is in the absence of the petitioner. He submits that there is an error apparent on the face of record in the impugned judgment. Hence, prays to allow review petition.

5. Heard the arguments of the learned counsel for the petitioner and learned counsel for respondent No.11-insurance company.

6. Learned counsel for the petitioner submits that the appellant in appeal has submitted before the Court for dispensation of notice to the petitioner and the liability has been fastened on the review petitioner and appellant therein



when appeal is pending in MFA.No.9699/2017. Thus, the impugned judgment is in the absence of the petitioner. Hence, he submitted there is an error apparent on the face of record and prays to review the judgment passed in MFA.No.8720/2017. Accordingly, allow the review petition.

7. Per contra, learned counsel for respondent No.11 supported the impugned judgment and he submitted that respondent No.11 was not aware about filing of the appeal by review petitioner in MFA.No.9699/2017. He also submits that the Tribunal after considering the material on record fastened the liability on both Insurance Companies. Hence, he submitted that there is no error apparent on the face of record in the impugned judgment. Hence, on these grounds prays to dismiss the review petition.

8. Perused the records and on considering the submissions of learned counsel for the parties, it is an undisputed fact that the claimants filed a claim petition under Section 166 of the M.V.Act in MVC.No.1970/2013 on the file of the Motor Accident Claims Tribunal & V Additional Judge, Court of Small Causes, Mayo Hall Unit, Bengaluru. The Tribunal after



recording evidence of both the parties to the petition, allowed the claim petition vide judgment dated 06.10.2017, wherein the liability has been fastened on both the Insurance Companies i.e., United India Insurance Company Limited and The Oriental Insurance Company Limited. The Oriental Insurance Company Limited aggrieved by the judgment and award dated 06.10.2017 passed in MVC.No.1970/2013 preferred an appeal in MFA.No.9699/2017. The United India Insurance Company Limited aggrieved by the judgment and award passed in MVC.No.1970/2013 preferred an appeal in MFA.No.8720/2017. The matter was listed before the Court on 13.04.2018 and notice to respondent Nos.6 to 8 was dispensed with as prayed by learned counsel appearing for the appellant i.e., United India Insurance Company Limited at its risk.

9. Admittedly, while passing judgment, this Court has recorded a finding that the appellant therein and the Oriental Insurance Company Limited are liable to satisfy the award. When the United India Insurance Company Limited has submitted before the Court that notice may be dispensed against the review petitioner and when notice has been



dispensed with, this Court could not have recorded a finding that the appellant therein and present review petitioner are liable to satisfy the compensation awarded by the Tribunal. Thus, there is an error apparent on the face of record. Further, review petitioner has also filed an appeal in MFA.No.9699/2017. None of the parties have brought to the notice of the Court regarding appeal filed by the review petitioner challenging the judgment and award passed in MVC.No.1970/2013 and appeal in MFA.No.9699/2017 is still pending consideration. If the impugned judgment is not reviewed, there is every chances of conflict of decision. Thus, there is an error apparent on the face of record in the judgment dated 28.11.2019 passed in MFA.No.8720/2017.

10. In view of the above discussion, we proceed to pass the following:

ORDER

- (i) Review petition is ***allowed***;



- (ii) The judgment dated 28.11.2019 passed in MFA.No.8720/2017 is reviewed. Appeal in MFA.No.8720/2017 is restored to its original file.
- (iii) Registry is directed to tag MFA.No.8720/2017 with MFA.No.9699/2017.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

**Sd/-
(JYOTI M)
JUDGE**