



CNR: KAHC010246392022

NC: 2026:KHC:42511
MFA No. 4137 of 2022
C/W MFA.CROB No. 44 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 7TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
MISCELLANEOUS FIRST APPEAL NO.4137 OF 2022(MV-D)
C/W
MFA CROSS OBJECTION NO. 44 OF 2025 (MV-D)

IN MFA No. 4137/2022

BETWEEN:

CHOLAMANDALAM MS GIC LTD
UNIT NO. 4, 9TH FLOOR
LEVEL -06,
GOLDEN HEIGHTS COMPLEX
59TH 'C' CROSS
INDUSTRIAL SUBURB
RAJAJINAGAR, 4TH M BLOCK
BENGALURU-10
REPRESENTED BY ITS
DEPUTY MANAGER

...APPELLANT

(BY SRI. MURALIDHARA N, ADVOCATE)

AND:

1. SMT BHAVANI
W/O KOTI
AGED ABOUT 25 YEARS
2. MASTER PAVAN
S/O KOTI
AGED ABOUT 7 YEARS
3. SMT. LAKSHMAMMA MADHAPPA
W/O MADHAPPA

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 60 YEARS

RESPONDENT NO.2 IS MINOR
HENCE REPRESENTED BY HER
MOTHER BEING NATURAL GUARDIAN

ALL ARE RESIDING AT
AREPALYA VILLAGE
KASABA HOBLI,
KUNIGAL TALUK
TUMKUR DISTRICT-563 135

4. SRI. KUMMETHA VEERA REDDY
S/O KUMMETHA SURYANARAYANA REDDY
MAJOR IN AGE, R/O 3-200, MAIN ROAD,
BHOGALAKATTA, YADIGI, ANANTAPUR
ANDHRA PRADESH-515 455

...RESPONDENTS

(BY SRI. RAGHU R, ADVOCATE FOR R1 TO R3,
R2 MINOR REP. BY R1)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.03.2022 PASSED IN MVC
NO. 7995/2019 ON THE FILE OF THE I ADDITIONAL SMALL
CAUSES JUDGE AND MACT, BENGALURU (SCCH-11),
AWARDING COMPENSATION OF RS. 28,15,668/- WITH
INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION
TILL THE DATE OF REALIZATION.

IN MFA.CROB NO. 44/2025

BETWEEN:

1. SMT BHAVANI
W/O KOTI.
NOW AGED ABOUT 28 YEARS,
2. MASTER PAVAN.
S/O KOTI, NOW AGED ABOUT 10 YEARS,



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APPELLANT NO.2 IS MINORS,
REP BY N/G MOTHER I.E. APPELLANT NO.1.

3. SMT. LAKSHMAMMA MADHAPPA,
W/O KOTI,
NOW AGED ABOUT 28 YEARS,
ALL ARE R/A AREPALYA HOBLI,
KASABA HOBLI, KUNIGAL TALUK,
TUMAKUR DIST.

...CROSS OBJECTORS

(BY SRI. RAGHU R, ADVOCATE)

AND:

1. SRI KUMMETHA VEERA REDDY
MAJOR, S/O KUMMETHA SURYANARAYANA REDDY,
R/O 3-200, MAIN ROAD, BHOGALAKTTA, YADIKI,
ANANTAPUR, ANDHAR PRADESH-51545
2. THE MANAGER,
CHOLA M.S. GEN. INS CO. LTD.,
UNIT NO. 04, 9TH FLOOR, LEVEL-06,
GOLDEN HEIGHTS COMPLEX, 59TH C CROSS,
INDUSTRIAL SUBURB, RAJAJINAGAR,
4TH M BLOCK, BANGALURU-560 010

...RESPONDENTS

(BY SRI. MURALIDHARA N, ADVOCATE FOR R2)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22
R/W SECTION AGAINST THE JUDGMENT AND AWARD
DATED 02.03.2021 PASSED IN MVC NO. 7995/2019 ON
THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE
MACT, BENGALURU SCCH-11, ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. While the insurer preferred MFA.No.4137/2022, the claimants preferred MFA.Cross Objection No.44/2025 against the judgment and award dated 02.03.2021 passed in MVC.No.7995/2019 by the Tribunal.

2. The factual matrix of the case is that, on 09.11.2019 at about 9.45 p.m., when one Koti was riding the motorcycle bearing registration No.KA04-EL-2127 from Kunigal side and proceeding towards Maddur, he dashed against he lorry bearing registration No.AP-02-TC-3393 being parked by its driver in the middle of the road without any indicators, signals or any precautionary measures, as a result of which, he sustained grievous injuries and succumbed to the same. Thereafter, his legal representatives filed claim petition claiming compensation.

3. The Tribunal, on appreciation of evidence, both oral and documentary, has awarded a sum of Rs.28,15,668/- as compensation along with interest at 6% p.a. from the date of



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petition till its realisation. Aggrieved by which, both the insurer and the claimants are before this Court.

4. Heard the learned counsel for the respective parties and perused the material on record.

5. Learned counsel for the insurer would contend that in the spot mahazar drawn as per Ex.P3, the investigation officer has mentioned that damaged spare parts of the vehicle were lying on the left side of the road, which clearly indicates that the offending vehicle was stationed on the left side of the road. As such, the Tribunal has erred in saddling entire liability on the insurer of the offending vehicle. He would also contend that the compensation awarded under all the heads is exorbitant. Accordingly, he would pray for allowing of the appeal of the insurer.

6. On the other hand, learned counsel for the claimants would contend that the Tribunal has rightly appreciated the evidence on record and saddled the liability on the insurer of the offending vehicle. Further, he would contend that the Tribunal has awarded meagre compensation under all the



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heads, which requires to be enhanced by this Court. Accordingly, he would pray for allowing of the cross objection.

7. I have given my anxious consideration to the submissions of learned counsel for both the parties and perused the records. On careful perusal of the investigation papers i.e., Exs.P1 to 9, it is seen that the offending vehicle was stationed in the middle of the road. The sketch also depicts the said aspect. Further, the insurance company has not examined the driver of the offending lorry and that the charge sheet laid against the driver of the offending lorry is not seriously contested by examining the investigation officer. In such circumstances, the Tribunal was justified in recording the finding that the lorry was stationed in the middle of the road and consequently, justified in holding that the accident occurred solely due to the negligence of driver of offending lorry.

8. As regards quantum of compensation awarded, on careful perusal of entire evidence on record, I am of the considered view that the Tribunal, on examination of entire evidence on record, has rightly awarded the just compensation. As such, no



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good ground made out by the claimants to enhance the compensation.

Accordingly, appeal filed by the insurer and the cross objection filed by the claimants, lack merit. Consequently, they are dismissed.

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 16