



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 6496 OF 2013 (MV-I)

BETWEEN:

M/S. ORIENTAL INSURANCE COMPANY LIMITED
REGIONAL OFFICE,
NO.44/45, LEO SHOPPING COMPLEX,
RESIDENCY ROAD,
BANGALORE-27
REP BY ITS AUTHORISED SIGNATORY

...APPELLANT

(BY SRI. A M VENKATESH, ADVOCATE)

AND:

1. CHINNAIAH
S/O VENKATARAMAPPA
AGED ABOUT 30 YEARS
R/AT NO.225, 9TH CROSS,
WHITE FIELD ROAD,
" O " FARM, AMBEDKAR NAGAR,
BANGALORE.
2. N.G. JAYAKUMAR
S/O NAGARAJU
NO.849, BERIGAI VILLAGE POST,
HOSUR TALUK
KRISHNAGIRI DISTRICT
DHARMAPURA,
TAMIL ANDUR-635105
3. BHAGYALAKSHMI
W/O VENKATESHAPPA

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



NO.135, FORCE ROAD,
NEW MARKET, SARJAPURA,
ANEKAL TALUK
BANGALORE DISTRICT
(R.C. OWNER OF VEH. NO.KA-32/9638)

4. LEGAL MANAGER
ICICI LOMBARD GENERAL
INSURANCE CO. LTD.
NO.89, 2ND FLOOR, S.V.R. COMPLEX,
HOSUR MAIN ROAD,
MADIWALA, BANGALORE-68

...RESPONDENTS

(BY SRI. A SREENIVASIAH, ADVOCATE FOR C/R1
SRI. A.N. KRISHNASWAMY, ADVOCATE FOR R4
NOTICE TO R3 IS HELD SUFFICIENT V/O DTD 10.4.2017
R2 IS SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 20.04.2013 PASSED IN MVC
NO.4949/2010 ON THE FILE OF THE MEMBER, PRL.MACT AND
CHIEF JUDGE, COURT OF SMALL CAUSES, BANGALORE,
AWARDING COMPENSATION OF Rs.90,000/- WITH INTEREST
@ 6% P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

The above appeal is filed by the insurer calling in question
the judgment and award dated 20.04.2013 [**impugned
judgment and award**] passed in MVC No.4949/2010 by the



Member, Prl.MACT and Chief Judge, Court of Small Causes,
Bangalore¹.

2. The relevant facts are that respondent No.1 - claimant filed a claim petition in MVC No.4949/2010 claiming compensation for the injuries sustained in a road traffic accident dated 16.05.2010. The said claim petition was filed under Section 163-A of the Motor Vehicles Act, 1988². In the said claim petition, the owner and insurer of the Tata Sumo bearing No.TN.39/H.4488 were arrayed as respondent Nos.1 and 2. The owner and insurer of Tempo bearing No.KA.32/9638 were arrayed as respondent Nos.3 and 4. It was the case of the claimant that he was traveling in Tempo when the Tata Sumo vehicle came from the opposite direction and hit the vehicle, in which he was traveling, causing the accident in question.

3. The Tribunal, vide the impugned judgment and award had partly allowed the claim petition and awarded a total compensation of ₹90,000/-. The respondent Nos.1 and 2 were

¹ hereinafter referred to as the 'Tribunal'

² hereinafter referred to as the 'MV Act'



jointly and severally held liable to pay the compensation awarded.

4. The insurer of the Tata Sumo had, *inter alia*, contended that the driver of the said vehicle was not negligent in causing the accident. The Tribunal, noticing that the petition filed was under Section 163-A of the MV Act and noticing that the police documents had indicated that the accident had occurred, answered issue No.1 framed by it in the affirmative with regard to the occurrence of the accident and awarded compensation as noticed above.

5. It is the contention of the appellant (who was arrayed as respondent No.2 before the Tribunal; who is the insurer of Tata Sumo bearing No.TN.39/H.4488) that the accident occurred due to the rash and negligent driving of the vehicle, in which the claimant was traveling and hence, the judgment and award of the Tribunal, is liable to be set aside.

6. In proceedings under Section 163-A of the MV Act, it is not open to record a finding regarding negligence. The



Supreme Court in the case of ***United India Insurance Co. Ltd. v. Sunil Kumar***³ has held as under:

"13. We are, therefore, of the view that liability to make compensation under Section 163-A is on the principle of no fault and, therefore, the question as to who is at fault is immaterial and foreign to an enquiry under Section 163-A. Section 163-A does not make any provision for apportionment of the liability. If the owner of the vehicle or the insurance company is permitted to prove contributory negligence or default or wrongful act on the part of the victim or claimant, naturally it would defeat the very object and purpose of Section 163-A of the Act. The legislature never wanted the claimant to plead or establish negligence on the part of the owner or the driver. Once it is established that death or permanent disablement occurred during the course of the user of the vehicle and the vehicle is insured, the insurance company or the owner, as the case may be, shall be liable to pay the compensation, which is a statutory obligation."

(emphasis supplied)

7. The judgment in the case of ***Sunil Kumar*** (*supra*) is also followed in the case of ***Shivaji & Anr., v. Divisional Manager, United India Insurance Co.Ltd.***⁴

8. In view of the settled proposition of law, as noticed above, the contention urged by the appellant cannot be adjudicated in proceedings under Section 163-A of the MV Act.

³ (2014) 1 SCC 680

⁴ AIR 2018 SC 3705



9. No other grounds are raised/urged in the above appeal.
10. In view of the above, the above appeal is dismissed as being devoid of merit.
11. The amount deposited by the appellant be transmitted to the Tribunal for disbursement in terms of the award of the Tribunal.
12. The records be transmitted to the Tribunal forthwith.

Sd/-
(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 2