



CNR: KAHC010415612021

NC: 2026:KHC:43311
MFA No. 5894 of 2021
C/W MFA No. 340 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 5894 OF 2021 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 340 OF 2021 (MV-I)

IN MFA NO. 5894/2021

BETWEEN:

PRADEEP
S/O NARSHIMMAIAH
@ NARASHAIAH,
AGED ABOUT 31 YEARS,
R/AT NAGASAMUDRA VILLAGE,
GUBBI TALUK - 572 216,
TUMKUR DISTRICT.

...APPELLANT

(BY SRI. JAGADEESH H.T., ADVOCATE)

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PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. RANGASWAMY
S/O BALLAREDDY,
AGED BOUT 38 YEARS,
R/AT C/O M BHASAKAR REDDY,
KADAVAKALU VILLAGE,
TADAPATHRI TALUK - 515 411,
ANANTHAPURA DISTRICT,
ANDRA PRADESH.
2. M. BHASKAR REDDY
S/O BALLAREDDY,
AGED ABOUT 41 YEARS,
R/AT KADAVAKALU VILLAGE,



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TADAPATHRI TALUK - 515 411,
ANANTHAPURA DISTRICT,
ANDRAPRADESH.

3. UNITED INDIA INSURANCE CO. LTD.
BRANCH OFFICE 111,
19/1, KALAPANA COMPLEX,
BARD ROAD, CANTONMENT,
TIRUCHI - 620 001.

...RESPONDENTS

(BY SRI. A.M. VENKATESH, ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.01.07.2020 PASSED IN MVC
NO.1118/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE,
AMACT, ARSIKERE, PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION

IN MFA NO. 340/2021

BETWEEN:

UNITED INDIA INSURANCE
COMPANY LIMITED,
BRANCH OFFICE, 111,
19/1, KALPANA COMPLEX,
BARD ROAD, CANTONMENT,
TIRUCHI - 620 001.
NOW REP. BY ITS
REGIONAL OFFICE
6TH FLOOR KRISHI BHAVAN
NRUPATHUNGA ROAD,
BENGALURU-560001
REP. BY ITS MANAGER

...APPELLANT

(BY SRI. A.M. VENKATESH, ADVOCATE)



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AND:

1. PRADEEP
S/O NARASHIMHAIAH
@ NARASHAIAH,
AGED ABOUT 30 YEARS,
OCC: AGRICULTURE & COOLIE,
R/O. NAGASAMUDRA VILLAGE,
GUBBI TALUK, TUMKUR DISTRICT.
2. RANGASWAMY (DRIVER)
C/O. M. BHASKARA REDDY
S/O BALLAREDDY,
AGED BOUT 36 YEARS,
OCC: BUSINESS,
R/O. KADAVAKALU VILLAGE,
TADAPATRI TALUK,
ANANTHAPURA,
ANDHRA PRADESH.
3. M. BHASKARA REDDY
S/O BALLAREDDY,
AGED ABOUT 39 YEARS,
OCC: BUSINESS,
R/O. KADAVAKALU VILLAGE,
TADAPATRI TALUK,
ANANTHAPURA,
ANDHRA PRADESH.
(OWNER OF LORRY BEARING
REG.NO.AP-02/TB-0149)

...RESPONDENTS

(BY SRI. JAGADEESH H.T., ADVOCATE FOR R1

V/O DT. 30.10.2024, NOTICE TO R2 & R3 - H/S)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.01.07.2020 PASSED IN MVC
NO.1118/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
ADDITIONAL MACT, ARSIKERE, AWARDDING COMPENSATION OF



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RS. 1,95,332/- WITH INTEREST AT 9 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. While MFA.No.5894/2021 is by the claimant, MFA.340/2021 is by the insurer of the motorcycle challenging the judgment and award dated 01.07.2020 passed in MVC.No.1118/2017 by the Tribunal.

2. The factual matrix of the case is that on 15.12.2013 at about 6.10 p.m., when the claimant riding pillion with one Kumar in a motorcycle bearing registration No.KA06/ES-6568 reached near Kerekodi, a lorry bearing registration No.AP02/TB-0149 came in a rash and negligent manner and dashed against the motorcycle, as a result of which, the claimant sustained grievous injuries and the rider of the motorcycle succumbed to the injuries suffered by him. Accordingly, the claimant filed a claim petition before the Tribunal.



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3. The Tribunal, on assessment of oral and documentary evidence, awarded compensation of Rs.1,95,332/- along with 9% interest per annum from the date of petition till its realisation.

4. Being aggrieved by the same, the claimant is before this Court seeking enhancement and the insurer of the motorcycle is before this Court contending that the insured of the motorcycle has not been made party before the Tribunal, as such, the insurance company, being the insurer of the motorcycle, would not be liable to make good the compensation.

5. Heard the learned counsel for both the parties.

6. Learned counsel for the claimant would contend that the Tribunal has rightly saddled the liability on the insurer of the motorcycle in the coverage of policy is third party. However, the Tribunal has erred in awarding meagre compensation. Accordingly, he would pray for enhancement of compensation by allowing the appeal of the claimant.



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7. Learned counsel for the insurer would contend that since the claimant has not made the insured as a party, the insurer is not liable to make good the compensation. As such, the Tribunal has erred in saddling liability on the insurer of the motorcycle to make good the compensation. He would further contend that the Tribunal has erred in awarding exorbitant compensation. Accordingly, he would pray for dismissal of the appeal filed by the claimant and allowing of the appeal of the insurer or in the alternative, he would pray for remand of the matter to the Tribunal.

8. I have given my anxious consideration to the submissions of learned counsel for the respective parties and perused the material on record.

9. I find substance in the submission made by learned counsel for the insurer. Since the claimant has not made insured or the legal representatives as a party, the insurer, being the insurance company of the insured, cannot be directed to satisfy the compensation. In such circumstances, in order to meet the ends of justice and in order to consider the benevolent object of the Motor Vehicles Act, I am of the



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considered view that it would be just and proper to remand the matter to the Tribunal for fresh consideration in order to extend an opportunity to the claimant to array the insured of the motorcycle or his legal representatives on proper application as party to the claim petition. Accordingly, I pass the following:

ORDER

- i) The appeals are allowed.
- ii) The impugned judgment and award is set aside.
- iii) The matter is remanded to the Tribunal for fresh consideration.
- iv) The parties shall appear before the Tribunal on **18.09.2026** without expecting any notice from the Tribunal.
- v) The parties are at liberty to file additional documents and adduce additional evidence, if any.
- vi) The Tribunal is at liberty to frame additional issue, if any.
- vii) It is made clear that the claimant would not be entitled for any interest from the date of filing of claim petition till the disposal of the claim petition on remand.



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- viii) The amount in deposit shall be transferred to the Tribunal and shall be invested in Fixed Deposit in any nationalised bank till the disposal of the claim petition on remand.
- ix) All contentions of both the parties are left open

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 38