



CNR: KAHC010377102015

NC: 2026:KHC:36269
MFA No. 5746 of 2015
C/W MFA No. 5743 of 2015
MFA No. 5745 of 2015
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5746 OF 2015 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5743 OF 2015 (MV-I)

MISCELLANEOUS FIRST APPEAL NO. 5745 OF 2015 (MV-I)

MISCELLANEOUS FIRST APPEAL NO. 5747 OF 2015 (MV-I)

IN MFA No. 5746/2015

BETWEEN:

NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE,
AT NO.30, UNITY BUILDING,
II A CROSS, P. KALINGA RAO ROAD,
BANGALORE - 560 027
REP. BY NEW INDIA ASS. CO. LTD.
M.G. ROAD, BANGALORE.

...APPELLANT

(BY SRI. R. JAIPRAKASH, ADVOCATE)

AND:

1. SRI. KUMAR D
S/O DASANNA, MAJOR
R/AT NO.11, OPP. DHANALAKSHMI BAR,
GADDA RAJANNA, ANDHRA HALLI
VISHWANEEDAM POST, BANGALORE - 560 091
CHINTAMANI TALUK.

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka



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MFA No. 5746 of 2015
C/W MFA No. 5743 of 2015
MFA No. 5745 of 2015
AND 1 OTHER

2. SRI. PRASAD SHETTY
S/O BALAKRISHNA SETTY
AGED ABOUT 29 YEARS
NO.5-185, KALYANI NIVAS,
KUDUMBUR, BIKAMPADY
MANGALORE - 572 101.
3. THE MANAGER
SRI. RAM GEN. INSURANCE CO. LTD.
OFFICE NO. 302, 3RD FLOOR
S.S.CARNET BUILDING,
FLAT NO.48, HOSPITAL ROAD,
OPP. BOWRING & LADY CRUZON HOSPITAL,
SHIVAJINAGAR, BANGALORE - 560 010.
4. KUM. BHUMIKA
D/O SRI. HARISH BABU
AGED ABOUT 6 YEARS
NO.97/7, 7TH MAIN ROAD,
2ND CROSS, HEGGANAHALLI
PEENYA II STAGE, VISHWANEEDAM POST
BANGALORE NORTH, BANGALORE - 91
SINCE MINOR, REPRESENTED BY HER
NATURAL GUARDIAN &
FATHER HARISH BABU G.

...RESPONDENTS

(BY SRI. SATHISHA T, ADVOCATE FOR R4;
R4 MINOR REP. BY HER FATHER HARISH BABU G, BUT HE
IS NOT A PARY IN THIS APPEAL;
VIDE ORDER DATED 12.12.2017, NOTICE TO R1, R2 AND
R3 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 23.4.2015 PASSED IN MVC
NO.4006/2013 ON THE FILE OF THE 19TH ADDITIONAL SMALL
CAUSES JUDGE, MACT, 41ST ACMM, MACT, BENGALURU,



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MFA No. 5745 of 2015
AND 1 OTHER

AWARDING A COMPENSATION OF RS.10,081/- WITH INTEREST
@ 6% P.A FROM THE DTE OF PETITION TILL ITS REALIZATION.

IN MFA NO. 5743/2015

BETWEEN:

NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE,
AT NO.30, UNITY BUILDING,
11TH A CROSS, P. KALINGA RAO ROAD,
NEW MISSION ROAD, BANGALORE - 560 027
REP. BY NEW INDIA ASS. CO. LTD.,
M.G. ROAD, BANGALORE.

...APPELLANT

(BY SRI. R. JAIPRAKASH, ADVOCATE)

AND:

1. SRI. KUMAR D
S/O DASANNA , MAJOR
R/AT NO.11, OPP. DHANALAKSHMI BAR,
GADDA RAJANNA, ANDHRA HALLI
VISHWANEEDAM POST, BANGALORE - 560 091
CHINTAMANI TALUK.
2. SRI. PRASAD SHETTY
S/O BALAKRISHNA SETTY
AGED ABOUT 29 YEARS
NO.5-185, KALYANI NIVASA,
KUDUMBUR, BIKAMPADY,
MANGALORE - 572 101.
3. SRI. RAM GEN. INSURANCE CO. LTD.
S.S. CARNET BUILDING,
FLAT NO.48, HOSPITAL ROAD,
OPP. BOWRING & LADY CRUZON HOSPITAL,



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C/W MFA No. 5743 of 2015
MFA No. 5745 of 2015
AND 1 OTHER

SHIVAJINAGAR, BANGALORE - 560 010.

4. SRI. HARISH BABU
S/O GANGAPPA
AGED ABOUT 36 YEARS
NO.97/7, 7TH MAIN ROAD,
2ND CROSS, HEGGANAHALLI
PEENYA II STAGE,VISHWANEEDAM POST
BANGALORE NORTH
BANGALORE - 560 091.

...RESPONDENTS

(BY SRI. SATHISHA T, ADVOCATE FOR R4;
VIDE ORDER DATED 12.12.2017, NOTICE TO R1, R2
AND R3 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 23.04.2015 PASSED
IN MVC NO.4005/2013 ON THE FILE OF THE XIX
ADDITIONAL SMALL CAUSES JUDGE, XLI ACMM & MACT,
BANGALORE, AWARDING COMPENSATION OF
RS.6,70,088/- WITH INTEREST @ 6% P.A FROM THE DATE
OF PETITION TILL ITS REALIZATION.

IN MFA NO. 5745/2015

BETWEEN:

NEW INDIA ASSURANCE CO. LTD
REGIONAL OFFICE,
AT NO.30, UNITY BUILDING,
II A CROSS, P. KALINGA RAO ROAD,
BANGALORE - 560 027
REP. BY NEW INDIA ASS. CO. LTD.
M.G. ROAD, BANGALORE.

...APPELLANT



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MFA No. 5746 of 2015
C/W MFA No. 5743 of 2015
MFA No. 5745 of 2015
AND 1 OTHER

(BY SRI. R. JAIPRAKASH, ADVOCATE)

AND:

1. SRI. KUMAR D
S/O DASANNA , MAJOR
R/AT NO.11, OPP. DHANALAKSHMI BAR,
GADDA RAJANNA, ANDHRA HALLI
VISHWANEEDAM POST, BANGALORE - 560 091
CHINTAMANI TALUK.
2. SRI. PRASAD SHETTY
S/O BALAKRISHNA SHETTY
AGED ABOUT 29 YEARS
NO.5-185, KALYANI NIVASA,
KUDUMBUR, BIKAMPADY,
MANGALORE - 572 101.
3. SRI. RAM GEN. INSURANCE CO. LTD.
S.S. CARNET BUILDING,
FLAT NO.48, HOSPITAL ROAD,
OPP. BOWRING & LADY CRUZON HOSPITAL,
SHIVAJINAGAR, BANGALORE - 560 010.
4. SMT. SHALINI,
W/O SRI. HARISH BABU
AGED ABOUT 24 YEARS
NO.97/7, 7TH MAIN ROAD,
2ND CROSS, HEGGANAHALLI,
PEENYA II STAGE, VISHWANEEDAM POST,
BANGALORE NORTH,
BANGALORE - 560 091

...RESPONDENTS

(BY SRI. SATHISHA T, ADVOCATE FOR R4;
VIDE ORDER DATED 12.12.2017 NOTICE TO R1
DISPENSED WITH;



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MFA No. 5746 of 2015
C/W MFA No. 5743 of 2015
MFA No. 5745 of 2015
AND 1 OTHER

VIDE ORDER DATED 02.02.2017 NOTICE TO R2 AND R3
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 23.04.2015 PASSED
IN MVC NO.4007/2013 ON THE FILE OF THE XIX
ADDITIONAL SMALL CAUSES JUDGE, XLI ACMM & MACT,
BANGALORE, AWARDED COMPENSATION OF RS.17,138/-
WITH INTEREST @ 6% P.A FROM THE DATE OF PETITION
TILL ITS REALIZATION.

IN MFA NO. 5747/2015

BETWEEN:

NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE,
AT NO.301, UNITY BUILDING,
II A CROSS, P. KALINGA RAO ROAD,
BANGALORE - 560 027
REP. BY NEW INDIA ASS. CO. LTD.
M.G. ROAD, BANGALORE.

...APPELLANT

(BY SRI. R JAIPRAKASH.,ADVOCATE)

AND:

1. SRI. KUMAR D
S/O DASANNA, MAJOR
R/AT NO.11, OPP. DHANALAKSHMI BAR,
GADDA RAJANNA, ANDHRA HALLI
VISHWANEEDAM POST, BANGALORE - 560 091
CHINTAMANI TALUK.
2. SRI. PRASAD SHETTY
S/O BALAKRISHNA SETTY



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C/W MFA No. 5743 of 2015
MFA No. 5745 of 2015
AND 1 OTHER

AGED ABOUT 29 YEARS
NO.5-185, KALYANI NIVAS,
KUDUMBUR, BIKAMPADY
MANGALORE - 572 101.

3. THE MANAGER
SRI. RAM GEN. INSURANCE CO. LTD.
OFFICE NO. 302, 3RD FLOOR
S.S.CARNET BUILDING,
FLAT NO.48, HOSPITAL ROAD,
OPP. BOWRING & LADY CRUZON HOSPITAL,
SHIVAJINAGAR, BANGALORE - 560 010.

4. SRI. HARISH BABU
S/O GANGAPPA
AGED ABOUT 38 YEAS
NO.97/7, 7TH MAIN ROAD,
2ND CROSS, HEGGANAHALLI,
PEENYA II STAGE, VISHWANEEDAM POST,
BANGALORE NORTH
BANGALORE - 560 091.

...RESPONDENTS

(BY SRI. SATHISHA T, ADVOCATE FOR R4;
VIDE ORDER DATED 12.12.2017 NOTICE TO R1, R2
AND R3 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 23.4.2015 PASSED IN
MVC NO.3873/2013 ON THE FILE OF THE 19TH
ADDITIONAL SMALL CAUSES JUDGE, MACT, 41ST ACMM,
MACT, BENGALURU, AWARDDING A COMPENSATION OF
RS.18,064/- WITH INTEREST @ 6% P.A FROM THE DTE OF
PETITION TILL ITS REALIZATION.



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C/W MFA No. 5743 of 2015
MFA No. 5745 of 2015
AND 1 OTHER

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

All the matters are to be disposed of in one appeal, as all the appeals are filed against the same order, hence common order is passed in all the appeals.

2. These appeals are filed by the appellant/Insurance Company under Section 173(1) of Motor Vehicles Act, 1988 challenging the common judgment and award dated 23.04.2015 passed in MVC Nos.3873/2013, 4005/2013, 4006/2013 and 4007/2013 on the file of the XIX Additional SCJ, MACT & XLI ACMM, Bengalore.

3. Heard the arguments of learned counsel for the both sides.

4. MFA Nos.5746/2015, 5743/2015, 5745/2015 and 5747/2015 are filed against the award passed in MVC Nos.4006/2013, 4005/2013, 4007/2013 and 3873/2013 respectively and mainly contended that on 15.08.2012 at about



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12.45 p.m., the driver of the car bearing Reg.No.KA-01-D-5963, driven the vehicle in a rash and negligent manner and dashed against the tempo. The charge sheet is filed against the driver of the car. But the Insurance Company contended that the driver of the car has no valid driving license. In order to prove the same, Insurance Company produced DL extract of the driver. Ex.R.3 is the DL extract and as per the said document, the driver was authorized to drive NT vehicle. The appellant had also produced RC extract under Ex.R.4, permit under Ex.R.5. As per the document, car is a luxury taxi, a transport vehicle. The documents produced under Exs.R.4 and R.5 establishes that the vehicle involved in the accident is luxury taxi and driver is not authorized to drive the vehicle involved in the accident. But the Tribunal without considering the same fastened the liability on the insurance company and the amount awarded is on the higher side. Therefore, requested to set aside the judgment and award passed by the Tribunal.

5. Learned counsel for the respondents relied upon the decision of Hon'ble Supreme Court in the case of ***Mukund Dewangan Vs. Oriental Insurance Company Limited and***



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MFA No. 5745 of 2015
AND 1 OTHER

Others¹ and unladen weight of the vehicle is below 7500 Kg. Therefore, the Insurance Company is liable to pay the compensation. In the result, all the appeals filed by the Insurance Company are ***dismissed*** confirming the order of the Tribunal.

Insurance Company has deposited only 50% of the compensation amount and it is directed to deposit the balance amount with interest within one month from the date of receipt of copy of this order.

On such deposit, the claimants are permitted to withdraw the entire amount along with interest accrued on it.

The amount already in deposit is to be transferred to the MACT.

**Sd/-
(P SREE SUDHA)
JUDGE**

AMA
List No.: 1 Sl No.: 12

¹ (2016) 4 SCC 298