



CNR: KAHC010388232021

NC: 2026:KHC:45270
MFA No. 5283 of 2021
C/W MFA No. 5893 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5283 OF 2021 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.5893 OF 2021 (MV-I)

IN MFA No. 5283/2021

BETWEEN:

MUDDURAJU
S/O DASAIAH,
AGED ABOUT 48 YEARS,
R/AT KAMALAPURA VILLAGE,
KOLLEGALA TQ.,
CHAMARAJANAGARA DIST - 571 440.

...APPELLANT

(BY SRI. SREENIVASAN M.Y., ADVOCATE)

AND:

1. V.VENKATESH
S/O VENKATEGOWDA,
AGED ABOUT 55 YEARS,
R/AT NO.78,
GANIGAMANGALAL VILLAGE,
KOLLEGAL TQ,
CHAMARAJANAGARA DIST - 571 441.
2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO.LTD.,
NO.305, ATCHMAS MANSION,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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DR.RAJKUMAR ROAD,
SOUTHERN EXTENSION,
KOLLEGALA - 571 441.

3. RAVIKUMAR @ RAVI,
S/O GURUSWAMY,
AGED ABOUT 43 YEARS,
R/AT UGANIYA VILLAGE,
KOLLEGALA TQ,
CHAMARAJANAGAR DISTRICT - 571 441.

...RESPONDENTS

(BY SRI.D.VIJAYAKUMAR, ADVOCATE FOR R-2;
R-1, R-3 SD, UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 14.02.2020 PASSED IN MVC
NO.04/2011 ON THE FILE OF THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MACT, CHAMARAJANAGAR (SITTING AT
KOLLEGAL).

IN MFA NO. 5893/2021

BETWEEN:

1. SRI.V.VENKATESH,
S/O. VENKATEGOWDA,
AGED ABOUT 48 YEARS,
R/AT NO.78, GANIGAMANGALA VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANGAR DISTRICT - 571 111.
2. RAVIKUMAR @ RAVI,
S/O GURUSWAMY,
AGED ABOUT: 43 YEARS,
R/AT UGANIYA VILLAGE,



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KOLLEGALA TALUK,
CHAMARAJANGAR DISTRICT - 571 111.

...APPELLANTS

(BY SRI. VEERABHADRA SWAMY H.P., ADVOCATE)

AND:

1. SRI.MUDDARAJU,
S/O. DASAIAH,
AGED ABOUT: 48 YEARS,
R/AT KAMALAPURA VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANGAR DISTRICT - 571 111.

2. THE BRANCH MANAGER,
UNITED INSURANCE CO.LTD.,
NO.305, ATCHMAS MANSION,
DR.RAJKUMAR ROAD,
SOUTHERN EXTENSION,
KOLLEGALA,
CHAMARAJANAGAR DISTRICT 571 111.

...RESPONDENTS

(BY SRI. SREENIVASAN M.Y., ADVOCATE FOR R-1;
SRI.D.VIJAYAKUMAR, ADVOCATE FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 14.02.2020 PASSED
IN MVC NO.04/2011 ON THE FILE OF THE ADDITIONAL
DISRTICT AND SESSIONS JUDGE, MACT,
CHAMARAJANAGAR, SITTING AT KOLLEGALA.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals arise out of the judgment and award dated 14.02.2020 passed in MVC No.4/2011 by the Additional District and Sessions Judge, Chamrajanagar Sitting at Kollegala (hereinafter referred to as 'the Tribunal'), whereby the Tribunal, partly allowed the claim petition filed by the claimant and awarded a compensation of Rs.2,02,476/- with 6% interest. However, by exonerating the Insurance Company the Tribunal directed respondent Nos.1 and 3 i.e., the owner and driver of the offending vehicle to pay the compensation. As such the said judgment is challenged by the owner/insurer in MFA No.5893/2021 whereas, the claimant challenged the said judgment seeking enhancement of compensation in MFA No.5283/2021.

2. The learned counsel for the appellants in MFA No.5893/2021, who are the owner and driver of the offending vehicle, raised a contention that the findings recorded by the Tribunal are wholly misconceived and contrary to the factual and evidentiary aspects placed on record. According to him,



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although the name of the driver of the offending vehicle was mentioned as Raghu in the FIR, the said information was furnished by a third party. Subsequently, during the course of investigation, the Police came to know that Ravikumar, who was respondent No.3 before the Tribunal, was driving the offending vehicle at the time of the accident, and accordingly, the Police filed the charge sheet against Ravikumar. However, the Insurance Company disputed this aspect and contended that Ravikumar was not the driver of the vehicle at the time of the accident and that Raghu was the actual driver.

3. It was further alleged by the Insurance Company that the name of Ravikumar was subsequently substituted and falsely implicated in the charge sheet. The learned counsel for the appellants further submitted that, in paragraph No.18 of its judgment, the Tribunal itself recorded a finding that the Insurance Company had not adduced any evidence to establish its contention that the driver of the vehicle did not possess a valid driving licence at the time of the accident. Despite recording such a finding, the Tribunal exonerated the Insurance Company from liability and fastened the liability upon the



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owner and driver of the vehicle. Therefore, the learned counsel contended that the said finding of the Tribunal is erroneous and liable to be set aside.

4. The learned counsel for the claimant in MFA No.5283/2021 contended that the Tribunal was not justified in awarding meager compensation without properly assessing the extent of disability suffered by the injured claimant and without taking into consideration the actual avocation of the injured. Supporting the contentions advanced by the insured and the driver, he further contended that the direction to pay and recover is not sustainable in the present case, particularly when the driver, Ravikumar, was possessing a valid driving license at the time of the accident. Accordingly, he prayed to allow the appeal filed by the claimant in MFA No.5283/2021.

5. *Per contra*, The learned counsel for respondent No.2- Insurance Company, in both the appeals, contended that the Tribunal was justified in exonerating the Insurance Company from liability on the ground that, immediately after the accident, the FIR was registered as per Ex.P1 against one Raghu, who was stated to be the driver of the offending



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vehicle. Subsequently, the Police filed the charge sheet against one Ravikumar-respondent No.3, alleging that he was driving the vehicle at the time of the accident. However, there was absolutely no material in the charge sheet to substantiate such an assertion. Further, RW.1, the officer of the Insurance Company, categorically deposed before the Tribunal that Raghu was driving the offending vehicle at the time of the accident.

6. He further contended that RW.2, the complainant, had also deposed that the Police had not recorded his further statement clarifying that Ravikumar was driving the vehicle at the time of the accident. In such circumstances, the learned counsel submitted that the Tribunal was justified in fastening the liability upon the owner and driver of the offending vehicle while exonerating the Insurance Company. Accordingly, he prayed to dismiss the appeal in MFA No.5893/2021 filed by the owner/insured and the driver. He also contended that the Tribunal has awarded just compensation; as such, the appeal filed by the claimant is also liable to be dismissed.

7. I have given my anxious consideration both on the submission and perused the evidence on record.



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8. As could be gathered from the records, the occurrence of the accident in question dated 28.08.2010 and the coverage of the insurance policy for the offending TATA Ace Goods vehicle bearing Reg.No.KA-10-2909 by respondent No.2-Insurance Company are not in dispute. The Tribunal, while awarding the compensation, directed the owner and driver of the offending vehicle to pay the compensation by exonerating the Insurance Company. The findings of the Tribunal on the said aspect are discussed in paragraph No.18 of the judgment, wherein the Tribunal discussed that the Insurance Company has failed to establish that the driver of the vehicle did not have a valid driving licence at the time of the accident and that the Insurance Company failed to adduce any evidence to substantiate its contention that the driver was not possessing a valid driving licence. However, the Tribunal, while passing the award, exonerated the Insurance Company and directed the owner and the driver to pay the compensation. On meticulous reading of paragraph No.18 and the operative portion of the judgment, the Tribunal itself misconceived the facts and circumstances of the case and the evidence on record. As a



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matter of fact, before the Tribunal, the Insurance Company has examined RWs.1 and 2 to prove its contention that the driver was not having a valid driving licence. Before the Tribunal, the owner of the vehicle has examined himself as RW.3 and produced his valid driving licence. Even in the charge sheet filed against Ravikumar, i.e., respondent No.3, it is alleged that he was driving the vehicle at the time of the accident. The driving licence produced by respondent No.2-Insurance Company depicts that the said Ravikumar was possessing a valid driving licence at the time of the accident. These aspects of the matter are not properly dealt with by the Tribunal in the impugned award.

9. All the learned counsel for the respective parties, at one voice, submitted that, if the matter is remitted to the Tribunal by extending an opportunity to the respective parties to prove the aspect as to whether the driver of the offending vehicle was possessing a valid driving licence at the time of the accident and whether the offending vehicle was driven by one Raghu or Ravikumar or the said person is one and the same, i.e., Raghu alias Ravikumar, by leading evidence to that effect, I find



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substantial force in the contention raised by the learned counsel for the respective parties.

10. Accordingly, matter requires reconsideration at the hands of Tribunal on this aspect and also on the aspect of quantum. Accordingly, I pass the following:

ORDER

- i) Both the appeals are ***allowed*** and remanded.
- ii) The judgment and award dated 14.02.2020 passed in MVC No.4/2011 by the Additional District and Sessions Judge, Chamrajanagar, Sitting at Kollegala, is set aside.
- iii) Matter is remitted back to the Tribunal for fresh consideration by extending opportunity to both the parties to lead evidence and to produce documents.
- iv) The parties are at liberty to lead further evidence and documents, if any.
- v) The Tribunal is also at liberty to frame additional issues, if any, to adjudicate the claim and the above issue.



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vi) The parties shall appear before the Tribunal on
17.10.2026.

vii) The amount in deposit by the owner shall be transmitted to the Tribunal and shall be kept in a fixed deposit till the disposal of the claim petition on remand.

viii) It goes without saying that, on remand, if the owner/driver is exonerated from the liability of paying compensation, the said fixed amount shall be refunded to him with interest.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 9