HC-KAR

NC: 2026:KHC:44754
MFA No. 2804 of 2020
C/W MFA No. 5448 of 2021

CNR: KAHC010101752020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2804 OF 2020(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.5448 OF 2021(MV-I)

IN MFA No. 2804/2020

BETWEEN:

UNITED INDIA INSURANCE CO LTD
PRESENTLY DIV. OFF: SHIMOGA
P.B NO.88, B.H ROAD
SHIMOGA - 577 201
REPRESENTED BY ITS
DIVISIONAL MANAGER

...APPELLANT

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. P.B RAJU, ADVOCATE)

AND:

1. SRI. RAVIKUMAR
S/O CHIKKERI KRISHNAPPA
AGED 31 YEARS
DRIVER
R/O BHADRAPURA VILLAGE
SHIKARIPURA TALUK

2. SHRI KRISHNOJI RAO
S/O HALOJI RAO
AGE 49 YEARS
R/O JAYANAGARA MAIN ROAD
SHIKARIPURAM TOWN
DRIVER OF TRACTOR AND TRAILOR
BEARING REG NO KA -14/T-433

…RESPONDENTS

(BY SRI. H.K BASAVARAJ, ADVOCATE FOR R1,
SRI. HARISH KUMAR M.S, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 22.11.2019 PASSED IN MVC NO. 488/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE, ADDITIONAL MACT-15, SHIKARIPURA, AWARDING COMPENSATION OF RS. 1,63,300/- WITH INTEREST AT 9 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

IN MFA NO. 5448/2021

BETWEEN:

SRI RAVIKUMAR
S/O CHIKKERI KRISHNAPPA,
AGED ABOUT 32 YEARS,
DRIVER
R/O BHADRAPURA VILLAGE,
SHIKARIPURA TALUK,
SHIVAMOGGA DISTRICT.

...APPELLANT

(BY SRI. H.K BASAVARAJ, ADVOCATE)

AND:

1. SRI KRISHNOJI RAO
   S/O HALOJI RAO,
   AGE MAJOR,
   R/O JAYANAGAR MAIN ROAD,
   SHIKARIPURA TOWN & TALUK,
   SHIVAMOGGA DISTRICT.

2. M/S UNITED INDIA INSURANCE
   COMPANY LTD
   J.C ROAD,
   SAGARA BRANCH,
   SHIVAMOGGA DISTRICT,
   (POLICY VALID FROM 10-07-2015
   TO 09-07-2016)

...RESPONDENTS

(BY SRI. HARISH KUMAR M.S, ADVOCATE FOR R1,
SRI. P.B. RAJU, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.22.11.2019 PASSED IN MVC NO.488/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC, AMACT-15, SHIKARIPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

These two appeals are directed against the judgment and award dated 22.11.2019 passed in M.V.C. No.488/2017 by the Senior Civil Judge and AMACT-15, Shikaripura (for short, 'the Tribunal'), whereby the Tribunal partly allowed the claim petition filed by the injured claimant and awarded compensation of Rs.1,63,300/- with interest at the rate of 9% per annum.

2. The brief facts necessary for disposal of these appeals are that, on 12.05.2016 at about 07.30 p.m., the claimant was proceeding from Shikaripura to Bhadrapura in his Ape auto bearing registration No.KA-27-A-5262. At that time, the driver of the tractor bearing registration No.KA-15-9151 along with trailer bearing registration No.KA-14-T-433 came from the opposite direction in a

rash and negligent manner and dashed against the Ape auto. Due to the impact, the right side door of the Ape auto was damaged and the claimant sustained grievous injuries to his right arm and forearm. He was initially shifted to the Government Hospital, Shikaripura, and thereafter to Nanjappa Hospital, Shivamogga, and subsequently to Global Multi Specialty Hospital, Mangalore, where he underwent treatment. Hence, the claimant filed a claim petition before the Tribunal seeking compensation for the injuries sustained by him in the accident.

3. Upon appreciation of the oral and documentary evidence on record, the Tribunal partly allowed the claim petition and awarded compensation as stated supra. Aggrieved by the said judgment and award, the Insurance Company has preferred MFA No.2804/2020, whereas the claimant has preferred MFA No.5448/2021.

4. Heard the learned counsel for the respective parties.

5. Apart from urging several other contentions, the learned counsel for the Insurance Company primarily contended that the Tribunal has erred in fastening the liability on the Insurance Company, contrary to the oral and documentary evidence on record and the settled principles of law. He submitted that the tractor and trailer were being plied on the road as a single unit and, therefore, both the tractor and trailer were required to be duly insured and could not have been plied without valid insurance coverage. It was further contended that the trailer was not covered by a valid insurance policy and that the driver of the tractor was not possessing a valid driving licence at the time of accident. Hence, according to him, the Insurance Company is not liable to satisfy the award. Accordingly, he prays to the appeal preferred by the Insurance Company and dismiss the appeal filed by the claimant.

6. *Per contra,* the learned counsel for the claimant contended that the Tribunal was justified in fastening the liability on the Insurance Company to satisfy the award. However, he submitted that the Tribunal has erred in awarding meagre compensation to the claimant, despite sufficient oral and documentary evidence having been placed on record to establish the disability sustained by him in the accident and the income earned by him as on the date of the accident. Accordingly, he prays to allow the appeal preferred by the claimant by enhancing the compensation awarded by the Tribunal.

7. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and also perused the entire evidence and materials on record.

8. As could be gathered from records, the occurrence of the accident dated 12.05.2016 and the coverage of the offending tractor under a valid insurance

policy are not in dispute. The contention of the learned counsel for the Insurance Company is that the driver of the tractor-trailer was not possessing a valid driving licence at the time of accident. In this regard, it is relevant to note that, immediately after the accident, the jurisdictional police registered an FIR as per Ex.P2. Subsequently, upon completion of investigation, the police laid a charge sheet against the driver of the tractor-trailer.

9. In the investigation documents including the charge sheet, it is stated that the accident was caused solely due to the negligent driving of the tractor-trailer and the said police have filed charge sheet against the driver of the tractor-trailer under Section 181 of MV Act. In such circumstances, it is clear that the driver was not possessing valid driving licence at the time of accident.

10. The other contention urged by the learned counsel for the Insurance Company that the trailer was

not covered by a valid insurance policy also cannot be accepted, as the Insurance Company has not adduced any rebuttal evidence to establish that the trailer was not covered under a valid insurance policy as on the date of the accident.

11. In such circumstances, I find no merit in the contentions urged by the learned counsel for the Insurance Company.

12. As regards the quantum of compensation, admittedly, the claimant has neither examined the doctor to establish the disability sustained by him nor produced the disability certificate. On perusal of the evidence of PW.1 and the medical records i.e. the wound certificate at Ex.P9 and discharge summary at Ex.P10, the Tribunal has awarded a total compensation of Rs.1,63,300/-. Though the learned counsel for the claimant contended that the claimant had sustained grievous injuries to his right arm, to substantiate the same, he has not examined the doctor.

13. In such circumstances, I deem it appropriate that instead of enhancing the sum under each head, it would be just and appropriate to award additional compensation of Rs.60,000/- as a global compensation, in addition to what has been awarded by the Tribunal i.e., Rs.1,63,300/-. Thus, the claimant is held entitled to the total compensation of **Rs.2,23,300/-** as against Rs.1,63,300/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

Accordingly, both appeals are ***disposed of***.

The amount in deposit if any, shall be transferred to the Tribunal.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 1