



CNR: KAHC010373492017

NC: 2026:KHC:36765
MFA No. 6231 of 2017
C/W MFA.CROB No. 55 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 6231 OF 2017 (MV-D)

C/W

MFA CROSS OBJECTION NO. 55 OF 2018 (MV-D)

IN MFA No. 6231/2017

BETWEEN:

DIVISIONAL MANAGER
M/S. TATA AIG GENERAL
INSURANCE COMPANY LTD.,
NO.374, SUNNI CENTRE, 1ST FLOOR
NEW KALIDASA ROAD,
VIJAYANAGAR, MYSURU,
REPRESENTED BY BANGALORE ZONAL OFFICE
NO.69, 3RD FLOOR,
J.P. & DEVI JAMBUKESWAR ARCADE
MILLER ROAD, BANGALORE - 560 052,
REPRESENTED BY MANAGER.

...APPELLANT

(BY SRI. RAVI S. SAMPRATHI, ADVOCATE)

AND:

1. SMT. NEELAMMA
W/O LATE SHIVAMALLASHETY @ SHIVAMALLU
AGED ABOUT 47 YEARS
2. SMT. MAHADEVAMMA

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI



Location: High
Court of
Karnataka



CNR: KAHC010373492017

NC: 2026:KHC:36765
MFA No. 6231 of 2017
C/W MFA.CROB No. 55 of 2018

W/O LATE SHIVAMALLASHETY @ SHIVAMALLU
AGED ABOUT 45 YEARS

3. KUM. LAKSHMI
D/O LATE SHIVAMALLASHETY @ SHIVAMALLU
AGED ABOUT 21 YEARS

ALL RESIDING AT KUNNAGALLI VILLAGE
KOLLEGALA TALUK,
CHAMRAJANAGAR DISTRICT.

4. SRI. SHANKARA
S/O VENKATAIAH
MAJOR IN AGE,
NO.32, SHIVAKALLI VILLAGE & POST
YALANDUUR TALUK
CHAMARAJANAGAR DISTRICT.

...RESPONDENTS

(BY SRI. K.M. SANATH KUMARA, ADVOCATE FOR R1 TO R3;
VIDE ORDER DATED 13.07.2021, NOTICE TO R4
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 22.04.2017 PASSED IN MVC
NO.394/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE, &
JMFC, KOLLEGAL, AWARDED COMPENSATION OF
Rs.8,68,052/- WITH INTEREST @ 6% P.A. FROM THE DATE OF
PETITION TILL REALIZATION.

IN MFA.CROB NO. 55/2018

BETWEEN:

1. NEELAMMA
W/O SHIVAMALLUSHETTY @ SHIVAMALLU
AGE 52 YEARS



CNR: KAHC010373492017

NC: 2026:KHC:36765
MFA No. 6231 of 2017
C/W MFA.CROB No. 55 of 2018

2. MAHADEVAMMA
W/O SHIVAMALLUSHETTY @ SHIVAMALLU
AGE 50 YEARS

3. LAKSHMI
W/O SHIVAMALLUSHETTY @ SHIVAMALLU
AGE 21 YEARS

ALL ARE R/AT KUNAGALLI VILLAGE
KOLLEGAL TALUK,
CHAMARAJNAGAR DISTRICT - 571 303.

...CROSS OBJECTORS

(BY SRI. SANATH KUMARA K.M, ADVOCATE)

AND:

1. SHANKARA
S/O VENKATAIAH
MAJOR,
R/AT SHIVAKALLI VILLAGE AND POST
YALANDUR TALUK,
CHAMARAJANAGAR DISTRICT - 571 303.

2. DIVISIONAL MANAGER
THE TATA AIG GENERAL INSURANCE CO. LTD.,
NO.374, SUNNI CENTER, 1ST FLOOR
NEW KALIDASA ROAD, VIJAYANAGAR
MYSURU - 570 026.

...RESPONDENTS

(BY SRI. RAVI S. SAMPRATHI, ADVOCATE FOR R2)

THIS MFA CROB IN MFA NO.6231/2017 PASSED
U/O.41 RULE 22 CPC, AGAINST THE JUDGMENT AND
AWARD DT.22/04/2017 PASSED IN MVC.NO.394/2015 ON
THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC,



CNR: KAHC010373492017

NC: 2026:KHC:36765
MFA No. 6231 of 2017
C/W MFA.CROB No. 55 of 2018

KOLLEGAL, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT FOR
COMPENSATION.

THIS MFA AND MFA.CROB, COMING ON FOR HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.

2. These appeals are filed against the judgment
and award passed by the Senior Civil Judge and Judicial
Magistrate First Class, Kollegala, (for short "the Tribunal")
in MVC No.394/2015 dated 24.02.2017. MFA
No.6231/2017 is filed by the Insurance Company, and MFA
Crob. No.55/2018 is filed by the claimants, challenging the
award passed by the Tribunal. Aggrieved by the said
order, the Insurance Company has preferred MFA
No.6231/2017.



CNR: KAHC010373492017

NC: 2026:KHC:36765
MFA No. 6231 of 2017
C/W MFA.CROB No. 55 of 2018

3. At the time of arguments, the learned counsel for the appellant submitted that they are disputing the age of the deceased. According to them, they have produced an Election Identity Card, which shows that the deceased was aged 65 years as on the date of the accident. However, the Tribunal relied upon the post-mortem report and considered his age as 50 years. They have filed only a xerox copy of the said document. The same was allowed by the Court as there was no objection from the other side. Therefore, they requested for remand of the matter.

4. The matters are remanded to the Tribunal with a specific direction to grant reasonable opportunity to both sides and to decide the issue of age and to dispose of the case on merits within two months from the date of this order, as it is a matter of the year 2017.

5. With the above observation, these matters are allowed and remanded back to the Tribunal.

6. Registry is directed to send back the records.



CNR: KAHC010373492017

NC: 2026:KHC:36765
MFA No. 6231 of 2017
C/W MFA.CROB No. 55 of 2018

7. Both parties are directed to appear before the
Tribunal on 03.08.2026.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 SI No.: 48