



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 8454 OF 2015 (MV-I)

BETWEEN:

UNITED INDIA INSURANCE CO. LTD.
TIPTUR BRANCH,

THROUGH ITS REGIONAL OFFICE,
KRISHI BHAVAN BUILDING,
NRUATHUNGA ROAD,
BANGALORE - 560 009,
REP. BY ITS DY. MANAGER
SRI. K.N. SURESH.

...APPELLANT

(BY SRI. SEETHA RAMA RAO B C.,ADVOCATE)

AND:

1. SRI PUTTASWAMY
AGED ABOUT 43 YEARS,
S/O. NINGAPPA,
2. MISS. PUSHPAVATHI
AGED ABOUT 17 YEARS,
D/O. SRI. PUTTASWAMY,
3. MISS. SHOBHA
AGED ABOUT 15 YEARS,
D/O. SRI. PUTTASWAMY,

SINCE RESPONDENTS NO.2 AND 3 ARE MINORS,

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI
Location: High
Court of
Karnataka



REP. BY THIER FATHER AND NATURAL GUARDIAN
THE FIRST RESPONDENT HEREIN,

ALL ARE RESIDING AT GHATAKINA KERE,
TIPTUR TALUK, TUMKUR DISTRICT - 572 201.

4. SRI. BHAIRESH
AGED ABOUT 38 YEARS,
S/O. MARULAPA,
RESIDING AT GHATAKINA KERE,
TIPTUR TALUK, TUMKUR DISTRICT - 572 201
...RESPONDENTS
(BY SRI. MANJUNATHA N.D., ADVOCATE FOR R1 TO R3
R4 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 27.06.2015 PASSED IN MVC
NO.247/2012 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
14TH MACT, TIPTUR, AWARDING THE COMPENSATION OF
RS.6,10,000/- WITH INTEREST AT 6% P.A. FROM THE DATE OF
PETITION TILL DEPOSIT.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of learned counsel for the
appellant.



2. The Insurance Company has filed this appeal against the award of the Tribunal in MVC No.247/2005 dated 27.06.2015.

3. Gangamma met with an accident on 16.08.2010. Her husband and children filed claim petition claiming compensation of Rs.10,50,000/-. Tribunal considered the entire evidence on record, granted an amount of Rs.6,10,000/- with interest and rate of 6% per annum from date of petition till realisation and directed respondent No.2 - insurer of the offending vehicle to pay the compensation within stipulated period.

4. Aggrieved with the said order, insurance company preferred this appeal and they mainly contended that they issued a policy, liability only policy under Ex.R.1 to the motorcycle KA 40-H 8881. As such the risk of the pillion rider is not covered and the award of the Tribunal is to be set aside. The risk of the pillion rider is not covered under Section 147 of MV Act. Insurance Company in their



counter at the earliest point of time took an objection that the policy is only liability policy or Act policy and it does not cover the risk of the pillion rider of the vehicle. As such, they are not liable to pay the compensation. But the Tribunal has held that as per Ex.R.1 policy, it covers third party risk and Rs.50/- extra premium is paid for third party property damage and compulsory PA to the owner and driver. As deceased Gangamma was a third party under Section 147 of the IMV amended Act, Insurance Company is liable to pay the compensation.

5. Learned counsel for the appellant relied upon the judgment in the case of ***Oriental Insurance Co., Ltd., Vs. Sudhakaran K.V. and Others*** reported in **2008 (3) T.A.C.1 (S.C.)** in which it was held as follows:

"15. We have noticed the terms of the contract of insurance. It was entered into for the purpose of covering the third party risk and not the risk of the owner or a pillion rider. An exception in the contract of insurance has been made, i.e., by covering the risk of the driver of the vehicle. The deceased was, indisputably, not the driver of the vehicle."



"19. The law which emerges from the said decision, is: (i) the liability of the Insurance Company in a case of this nature is not extended to a pillion rider of the motor vehicle unless the requisite amount of premium is paid for covering his/her risk (ii) the legal obligation arising under Section 147 of the Act cannot be extended to an injury or death of the owner of vehicle or the pillion rider; (iii) the pillion rider in a two wheeler was not to be treated as a third party when the accident has taken place owing to rash and negligent riding of the scooter and not on the part of the driver of another vehicle."

6. Considering the arguments of the learned counsel for the Insurance Company and also the principle laid down in the above citation, Insurance Company is not liable to pay the compensation and accordingly the liability of the Insurance Company is exonerated. Owner of the vehicle is at liberty to pay the compensation. The claimants are permitted to get compensation from the owner of the vehicle.

Accordingly, appeal is **allowed** by setting aside the order of the Tribunal to an extent of liability against Insurance Company.



NC: 2026:KHC:34879
MFA No. 8454 of 2015

Amount in deposit is to be refunded to the Insurance
Company and is to be transferred to MACT.

Sd/-
(P SREE SUDHA)
JUDGE

BVK
List No.: 1 Sl No.: 18