



CNR: KAHC010473382019

NC: 2026:KHC:50756
MFA No. 492 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 492 OF 2020 (MV-I)

BETWEEN:

M/S NATIONAL INSURANCE CO. LTD.,
REGIONAL OFFICE, NO.144, 2ND FLOOR,
SUBHARAM COMPLEX, M. G. ROAD,
BANGALORE - 560 001.
REPRESENTED BY
MR. G. SHIVAKUMAR,
ASSISTANT MANAGER.

...APPELLANT

(BY SRI. GEETHA R., ADVOCATE)

AND:

1. A. K. TANVEER ULLA,
S/O A. K. FAZLU ULLA,
AGED ABOUT 39 YEARS,
NO.7/1, 5TH CROSS, NEAR MASJID,

Digitally
signed by
SUSHMA
LAKSHMI
B S
Location:
High Court
of
Karnataka



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SALUOOD ARABIC COLLEGE POST,
GAVIPUR,
BANGALORE - 560 045.

2. M/S. RYAN INTERNATIONAL SCHOOL,
BEHIND HINDUSTAN LEVER LIMITED,
AECS LAYOUT, KUNDANAHALLI,
M. H. COLONY,
BANGALORE - 560 037.

...RESPONDENTS

(BY SRI. SHIVARAMA H. C., ADVOCATE FOR R2;
R1 IS HELD SUFFECIENT, V/O DATED 30.05.2023)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 02.06.2018, PASSED IN
MVC.NO.540/2016, ON THE FILE OF THE XV ADDITIONAL
SMALL CAUSES JUDGE AND XXIII A.C.M.M., MEMBER, M.A.C.T.
AT BENGALURU (SCCH-19), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

This appeal has been filed by the Insurance Company challenging the liability, being aggrieved by the judgment and award dated 02.06.2018 passed in MVC.No.540/2016 on the file of the Motor Accidents Claims Tribunal and XV Additional Judge, Court of Small Causes, Mayo Hall Unit, Bengaluru (SCCH-19).

2. The submission of the learned counsel for the appellant is that, in the written statement, it was stated that Mini Bus bearing registration No.KA-03/B-4559 was plied without valid permit at the time of alleged accident and the owner insured having violated the policy terms and conditions, therefore, the insurance company is not liable to indemnify the owner and pay compensation to the claimant, having said thus, learned counsel for the appellant prays to allow the appeal.

3. *Per Contra*, learned counsel for the claimant submitted that the Insurance Company has not examined any of the witnesses to prove the contention that the bus did not have possess a valid Fitness Certificate and permit. Therefore,



the Tribunal did not consider the said contention and pass the appropriate order. Therefore, interference with the said findings may not be necessary. Having said thus, learned counsel for the claimant prays to dismiss the appeal.

4. Having considered the rival submissions and also on perusal of the findings of the Tribunal in respect of the liability is concerned, no doubt, the insurance company issued policy in respect of vehicle which belongs to respondent No.2. The said vehicle caused accident to the motor cycle of the claimant. The evidence would indicate that the liability has to be fastened on the Insurance Company. The Tribunal while fixing the liability opined that even though the contention raised by the Insurance company that the offending vehicle did not possess valid fitness certificate and permit, they have not examined any witnesses on their behalf nor failed to produce those documents. Such being the fact, mere making submissions without examining any witnesses cannot enure any benefit to the Insurance Company. As such, the contention raised by the respondent No.2 before the Tribunal has been set aside. Therefore, in my



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considered view, the finding on the issue appears to be proper and appropriate. Hence, I proceed to pass the following:

ORDER

- i) The appeal stands ***dismissed***.
- ii) The registry is directed to transmit the records along with statutory deposit, if any, to the Tribunal, forthwith.
- iii) The Tribunal is directed to release the amount, on proper identification.

Sd/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 Sl No.: 54