



CNR: KAHC010481352019

NC: 2026:KHC:39947-DB
MFA No. 618 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 618 OF 2020 (MV-D)

BETWEEN:

1. SRI. B.GANGADHARAI AH
S/O BAGILI ANJINAPPA,
AGED ABOUT 74 YEARS,
2. ADEMMA
W/O B.GANGADHARAI AH,
AGED ABOUT 70 YEARS,
3. SMT.PUSHAPA
W/O LATE M.G.ANILKUMARA
AGED ABOUT 34 YEARS,
4. M.A.VANDANA
D/O OF M.G.ANILKUMARA,
AGED ABOUT 15 YEARS,
5. VESWATEJA.M.A.
D/O OF M.G.ANIL KUMARA,
AGED ABOUT 10 YEARS,

APPELLANTS NO.4 & 5 ARE MINORS
REPRESENTED BY THEIR NATURAL
GUARDIAN MOTHER THE APPELLANT NO.3.

ALL ARE R/AT NO.127, NIYALAYA,
1ST BLOCK, GOWRIBIDANUR TALUK,

Digitally
signed by JAI
JYOTHI J
Location:
High Court of
Karnataka



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CHIKKABALLAPUR DISTRICT-561 208.

...APPELLANTS

(BY SRI. VASANTHAPPA., ADVOCATE)

AND:

1. SRI.MUDDASSIR ALI KHAN.K
S/O AZAMATHULLA KHAN.K
R/AT VIDYANAGAR CROSS,
BETTAHALASUR, CHIKKAJALA HOBLI,
BENGALURU NORTH-562 157.
2. UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LTD.,
K.V.D.TOWERS
NO.7/3, 2ND FLOOR,
ABOVE BARCLAYS FINANCE,
OPP: 100 FEET ROAD,
OLD MADRAS ROAD,
INDIRANAGARA, BENGALURU-560 038.

...RESPONDENTS

(BY SRI. S.V.HEGDE MULKHAND., ADVOCATE R2;
V/O/DTD:18.09.2025-NOTICE TO R1-DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.02.2018 PASSED IN MVC NO.1283/2016 ON THE FILE OF THE MEMBER, MACT, XVI ADDITIONAL JUDGE, COURT OF SMALL CAUES, BENGALURU SCCH-14, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard Shri Vasanthappa, learned counsel for the appellants and Shri S.V. Hegde Mulkhand, the learned counsel appearing for the respondent No.2/Insurance Company.

2. Despite service of notice on the respondent No.1, the owner, being held sufficient, there is no representation. On the consent of learned counsel for the parties, this matter is taken up for final disposal at the stage of admission.

3. The sole point being urged by the learned counsel for the appellants is that the respondent No.2 /Insurance Company has been exonerated from its liability. But the liability has been fastened only on the respondent No.1, who is the recorded owner of the offending vehicle. It is contended that as per the law settled by the Supreme Court in the year 2004 in ***National Insurance Co. Ltd. v. Swaran Singh***¹ that where there is an effective and valid Insurance Policy of vehicle, the Insurance Company would be liable at the first instance, to make payment

¹ (2004) 3 SCC 297



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of the amount of compensation and thereafter proceed to recover the same from the owner. Learned counsel has also referred to a recent judgment of the Supreme Court in ***Akula Narayana v. Oriental Insurance Co. Ltd.***,² in which the Supreme Court has held that where the contract of insurance is not disputed, even on breach of insurance conditions, recovery of compensation can be allowed from the Insurer by giving right to the Insurer to recover the same from the vehicle owner.

4. Since the owner though served is not represented, we proceed to consider the matter accordingly. As far as the aspect of negligence and the amount of compensation is concerned, the counsel for the parties are not at issue. The Insurance Company has not filed any appeal.

5. In this view of the matter and considering the aforesaid judgments of the Supreme Court in ***Swaran Singh*** and ***Akula Narayana***, it is ordered that the awarded amount shall, at the first instance, be paid by the Insurance Company

² 2025 SCC OnLine SC 2377



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within a period of six weeks from today and it is left open to the Insurance Company to recover the same from the recorded owner. This appeal is allowed to the extent mentioned above. The award shall accordingly be amended. The Trial Court Record shall be sent back to the concerned Court thereafter, forthwith.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

KS
List No.: 1 Sl No.: 16