



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 343 OF 2016 (MV-I)

BETWEEN:

MAHESHA,
W/O SIDDAPPA @ SIDDEGOWDA,
AGED ABOUT 37 YEARS,
R/AT AGRICULTURIST,
GANJAM KARIGHATTA,
SRIRANGAPATNA TALUK,
PIN CODE-571 471.

...APPELLANT

(BY SRI DIVAKARA P S, ADVOCATE)

AND:

1. B V MANJU,
S/O BOJAPPA,
M/S SRIRAM INVESTMENT LIMITED,
NO.1952/3, 1ST FLOOR,
KOTHWAL RAMAIAH STREET,
SHIVARAMPETE, MYSORE-570 009.

R/O. C/O. GANGADHARA,
D.NO.401, 8TH CROSS,
N.R. MOHALLA,
MYSORE-570 009.

OWN R/O. B V. MANJU,
S/O BOJAPPA,
VADARAHALLY VILLAGE,
CHANNARAYAPATNA TALUK.

Digitally signed
by NANDINI R
Location: HIGH
COURT OF
KARNATAKA



2. SRIRAM GENERAL INSURANCE
CO. LTD., NO.973, VANIVILAS ROAD,
OPP. RTO OFFICE, MYSORE-570 009

...RESPONDENTS

(BY SRI ANUP SEETHARAM RAO, ADVOCATE FOR R-2;
R-1 SERVICE HELD SUFFICIENT V/O DATED 06.12.2023)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 25.02.2013 PASSED IN MVC
NO.632/2009 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE MACT, SRIRANGAPATNA. DISMISSING THE CLAIM
PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

Heard the learned counsel for the appellant and
respondent No.2.

2. Being aggrieved by the judgment in
MVC.No.632/2009 dated 25.02.2013 by Additional Senior
Civil Judge and MACT, Srirangapatna, whereby the said
claim petition came to be dismissed, the petitioner is
before this Court in appeal.

3. The short point that arise for consideration is
whether the non-service of notice to respondent No.1,



owner of the vehicle would have resulted in total rejection of the claim petition.

4. The learned counsel appearing for the appellant would submit that the petitioner was a poor agriculturist and by oversight, the learned counsel who was appearing for the petitioner before the Tribunal did not take steps for service of notice to respondent No.1-owner of the vehicle. The matter went under the presumption that the notice had been served and ultimately, the Tribunal while disposing the matter on merits, noticed that the service of the notice to respondent No.1 was incomplete and therefore, dismissed the petition despite it determined the compensation at Rs.34,000/-.

5. It is submitted that the MV Act being a beneficial legislation, a lenient view may be taken by remanding the matter to the Tribunal so that if there is any entitlement to the petitioner, he may be benefited out of it.



6. Per *contra*, learned counsel appearing for the respondent No.2 would submit that the respondent-Insurance Company was not liable to pay the compensation since there was no driving licence as observed by the Tribunal. Secondly, he submit that the accident had taken place in the year 2009 and the matter was decided by the Tribunal in the year 2013 and now the present appeal is being heard in the year 2026. Therefore, he submits that for no fault of the respondent, if the matter is remanded, it would be a burden upon the respondent-Insurance Company. He submits that such delay would definitely act against the interest of the Insurance Company which is being run out of public funds.

7. While balancing the interest of the respondent-Insurance Company as well as the grievance of the petitioner, who was entitled for compensation either from the Insurance Company or the owner of the vehicle, this Court has to see that none is put to any jeopardy and therefore, the interest of justice and equity requires that



the matter needs to be remanded with a condition that the Insurance Company would not be liable to pay any compensation if it is saddled with the liability, from 25.02.2013. This Court also notices that if service of notice was not effective on respondent No.1, the Tribunal need not have determined the compensation and would have straightly dismissed the claim petition on the ground of maintainability. Hence, the following:

ORDER

- (i) The appeal is allowed.
- (ii) The impugned judgment of the Tribunal is set aside. The matter is remanded to the Tribunal.
- (iii) The appellant is at liberty to get the notice served upon the respondent No.1 within a period of 06 months from the date of his appearance before the Tribunal.
- (iv) If any additional evidence is to be adduced, the Tribunal is at liberty to take the same on record.



(v) The respondent No.2-Insurance Company is not liable to pay any interest from the date from 25.02.2013 till today, in case the liability is saddled upon it.

Both the parties are directed to appear before the Tribunal on 17.02.2026. Registry is directed to transmit the Tribunal Records, forthwith.

Sd/-
(C M JOSHI)
JUDGE

NR/-
List No.: 1 SI No.: 9