



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 2079 OF 2013 (MV)

C/W

MISCELLANEOUS FIRST APPEAL NO. 2080 OF 2013 (MV)

IN MFA No. 2079/2013

BETWEEN:

SRI NARENDRA @ NAADAMUNI
S/O VEERAPPA,
AGED ABOUT 42 YEARS,
R/O KYASINAKERE,
HONNALI TALUK-577217,
DAVANAGERE DISTRICT.

...APPELLANT

(BY SRI. PRABHAKAR L SHETTY.,ADVOCATE)

AND:

1. B H SHEKARAPPA
S/O BUTTI HALAPPA,
AGED ABOUT 37 YEARS,
R/O BULLAPURA VILLAGE,
HONNALI TALUK-577217,
DAVANAGERE DISTRICT.
2. SRI HALADAPPA
S/O ESHWARAPPA,
AGED ABOUT 32 YEARS,
R/O BULLARAPURA VILLAGE,
HONNALI TALUK-577217,
DAVANAGERE DISTRICT.
3. CHOLAMANDALAM M S
GENERAL INSURANCE CO.LTD.,

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signed by
NIRMALA
DEVI
Location:
HIGH
COURT OF
KARNATAKA



1ST FLOOR, 16-1-44,
BENDLOORWELL,
MANGALORE-575003.

RESPONDENTS

(BY SRI. SATEESH CHANDRA K.V.,ADVOCATE FOR R1 AND R2;
SRI. Y.P. VENKATAPATHI., ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 27.12.2012 PASSED IN MVC
NO.134/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE, MACT,
CHANNAGIRI, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION
AND ETC,.

IN MFA NO. 2080/2013

BETWEEN:

SMT ASHA
W/O SRI.NARENDRA @ NARADAMUNI,
AGED ABOUT 37 YEARS,
R/O KYASINAKERE,
HONNALI TALUK-577217,
DAVANAGERE DISTRICT.

...APPELLANT

(BY SRI. PRABHAKAR L SHETTY.,ADVOCATE)

AND:

1. B H SHEKARAPPA
S/O BUTTI HALAPPA,
AGED ABOUT 37 YEARS,
DRIVER OF TATA ACE BEARNING NO
KA 17 B 1816 HINDU DEVANGA
CASTE, R/AT BULLAPURA VILLAGE
HONNALLI TQ, DAVANAGERE DIST.
2. SRI HALADAPPA
S/O ESHWARAPPA,
AGED ABOUT 32 YEARS,
R/O BULLARAPURA VILLAGE,
HONNALI TALUK-577217
DAVANAGERE DISTRICT.



NC: 2026:KHC:14994
MFA No. 2079 of 2013
C/W MFA No. 2080 of 2013

3. CHOLAMANDALAM MS
GENERAL INSURANCE CO LTD,
1ST FLOOR, 16-1-44,
BENDOORWELL,
MANGALORE-575003.

...RESPONDENTS

(BY SRI. VB SIDDARAMAIAH.,ADVOCATE FOR R1 & R2;
SRI. YP VENKATAPATHI., ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 27.12.2012 PASSED IN MVC
NO.135/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE, MACT,
CHANNAGIRI, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION
AND ETC,.

THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

The present appeals are filed by the appellants/claimants
impugning the common judgment dated 27.12.2012 passed in
MVC.Nos.134/2011 and 135/2011 by the learned Senior Civil
Judge and MACT, Channagiri¹ (MFA.No.2079/2013 is filed
challenging the impugned judgment and award insofar as it
relates to MVC.No.134/2011; MFA.No.2080/2013 is filed
challenging the impugned judgment and award insofar as it
relates to MVC.No.135/2011.)

¹ Hereinafter referred as to 'the Tribunal'



2. The Tribunal has partly allowed the claim petitions and awarded a compensation of ₹1,83,000/- and ₹1,73,000/- to the claimants in MVC.Nos.134 and 135/2011 respectively. However, the liability to pay the compensation has been fastened on respondent Nos.1 and 2 i.e., the driver and owner of the offending vehicle and exonerated respondent No.3 - insurer from payment of compensation, having regard to the finding recorded that, the driver of the vehicle did not possess a valid and effective driving license to drive the insured vehicle at the time of the accident.

3. In the above appeals, the appellants/claimants impugn the finding of the Tribunal regarding liability. Although, various grounds are urged seeking for the enhancement of quantum of compensation, learned counsel on instructions submits that, the contentions seeking for enhancement of the quantum of compensation are not pressed.

4. Hence the only question to be adjudicated in the present appeals is as to whether the Tribunal was justified in exonerating the insurer from the payment of compensation.



5. In order to consider the said question the relevant facts are that, the driver was licensed to drive a heavy transport vehicle and motor cab from 07.02.2003 to 06.02.2006. Thereafter, he had a driving license to drive a motorcycle with gear and tractor from 25.03.2011 to 22.03.2021. Hence, as on date of the accident i.e., on 20.01.2011, the driver was not duly licensed.

6. Learned counsel for the appellant is justified in contending that, the driver was not disqualified from driving the insured vehicle and mere absence of license as on the date of accident would not mean that he was not duly licensed as on the said date. It is further pertinent to notice that, prior to the date of the accident and subsequent to the same, he held a driving license as noticed above. The Hon'ble Supreme Court in the case of ***National Insurance Company Ltd V/S Swaran Singh And Others***², while considering a question as to the liability of the insurer to pay the compensation when the driver of the vehicle was not duly licensed held as under:

² (2004)3 SCC 297



"110.

(x) Where on adjudication of the claim under the Act the Tribunal arrives at a conclusion that the insurer has satisfactorily proved its defence in accordance with the provisions of Section 149(2) read with sub-section (7), as interpreted by this Court above, the Tribunal can direct that the insurer is liable to be reimbursed by the insured for the compensation and other amounts which it has been compelled to pay to the third party under the award of the Tribunal. Such determination of claim by the Tribunal will be enforceable and the money found due to the insurer from the insured will be recoverable on a certificate issued by the Tribunal to the Collector in the same manner under Section 174 of the Act as arrears of land revenue. The certificate will be issued for the recovery as arrears of land revenue only if, as required by sub-section (3) of Section 168 of the Act the insured fails to deposit the amount awarded in favour of the insurer within thirty days from the date of announcement of the award by the Tribunal.

7. In view of the aforementioned, the finding of the Tribunal exonerating the insurer from payment of compensation is erroneous and is liable to be interfered with. Respondent No.3 - insurer is liable to pay the compensation awarded at the first instance, with liberty to recover the same from the owner of the vehicle.

8. Hence the following:

ORDER

i) The appeals are ***allowed-in-part***;



NC: 2026:KHC:14994
MFA No. 2079 of 2013
C/W MFA No. 2080 of 2013

- ii) The judgment and award 27.12.2012 passed in MVC.Nos.134/2011 and 135/2011 by the learned Senior Civil Judge and MACT, Channagiri, are modified to the extent of holding that the compensation together the accrued interest shall be paid by respondent No.3 - insurer with liberty to recover the same from respondent No.2 - owner.
- iii) In all other respects, the judgment and award of the Tribunal remains unaltered.
- iv) The Registry to draw the modified award accordingly;
No costs.

Sd/-
(C.M. POONACHA)
JUDGE