



CNR: KAHC010623392025

NC: 2026:KHC:42508
MFA No. 7058 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7058 OF 2025

(MV-I)

BETWEEN:

V SHIVANNEGOWDA
SINCE DEAD BY HIS LRs.

1. V S SARASU
W/O LATE V SHIVANNEGOWDA
AGED ABOUT 55 YEARS
RESIDENT OF M G NAGARA
HALLIGATTU VILLAGE
PONNAMPETE POST
VIRAJPETE TALUK
KODAGU - 571 218.

2. V S MANJUNATH
S/O LATE V SHIVANNEGOWDA
AGED ABOUT 38 YEARS
RESIDENT OF M .G NAGARA
HALLIGATTU VILLAGE
PONNAMPETE POST
VIRAJPETE TLAUK
KODAGU - 571 218.

...APPELLANTS

(BY SRI C M ASHWATH, ADVOCATE FOR
SRI. PRAKASHA H.C, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. CHENGAPPA M N
S/O NANJAPAP M S
AGED ABOUT 57 YEARS
RESIDING AT No. 475
GIRIDARSHINI LAYOUT
ALNAHALLI POST
SIDDARTHANAGAR
MYSURU - 570 011.
(OWNER CUM DRIVER OF VEHICLE)

2. NATIONAL INSURANCE CO. LTD.,
DIV No. 10, FLAT No.101-101-106
N -1, BMC HOUSE
CONNAUGHT PLACE
NEW DELHI - 110 001.

REPRESENTED BY ITS
BRANCH MANGER
NATIONAL INSURANCE CO. LTD.,
MAIN ROAD, VIRAJPETE TOWN
KODAGU - 571 218.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI A M VENKATESH, ADVOCATE FOR R2
SRI PARAMESHA K N, ADVOCATE FOR R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:08..03.2019
PASSED IN MVC No.24/2014 ON THE FILE OF SENIOR CIVIL
JUDGE AND MACT, VIRAJPET DISMISSING THE CLAIM
PETITION FOR COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



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ORAL JUDGMENT

This appeal is filed by the appellants/claimants challenging the judgment and award dated 08.03.2019 passed in MVC No.24/2014 by the Senior Civil Judge and MACT, Virajpet wherein their claim petition has been dismissed.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellants, learned counsel for respondent No.1 and learned counsel for respondent No.2/insurer.

3. Sri V.Shivanne Gowda made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 11.01.2014 contending that the accident occurred due to rash and negligent driving of the driver of Alto Car bearing Regn.No.KA-55-M-5512 and the said car was driven by respondent No.1 and he was the owner of the vehicle also.



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The said vehicle was insured with respondent No.2. During the pendency of claim petition the claimant died and his wife and son were brought on record as LR's. The Tribunal after recording the evidence and hearing arguments has dismissed the claim petition by the impugned judgment. The appellants have challenged the said judgment passed by the Tribunal.

4. Heard learned counsel for appellants, learned counsel for respondent No.1 and learned counsel for respondent No.2/insurer.

5. Learned counsel for appellants would contend that as the injured died and his death is having no nexus to the injuries sustained in the road traffic accident, the claim petition came to be dismissed. Even though the death is having no nexus to the accident, but the claimants being the LR's of the injured are entitled to medical expenses and attendant charges. He further submits that injured has incurred medical expenses of Rs.3,19,095/- as per



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Exs.P18 to 25 – medical bills. He further submits that the claimant has been admitted in the hospital for 23 days and the appellants are entitled to attendant and conveyance charges. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.1 would contend that claim petition has been dismissed against respondent No.1 who is the owner/driver of the vehicle involved in the accident for non-prosecution.

7. Learned counsel for respondent No.2/insurer would contend that the Tribunal has rightly dismissed the claim petition on the ground that there is no nexus for death of claimant to the accident.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 11.01.2014. The injured has made the claim petition and injured died on 11.11.2014. After death of injured/claimant, his wife and son were brought on record as LRs of claimant. The



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Tribunal has appreciated the evidence on record and has held that the death of claimant has no nexus to the injuries sustained by him in the accident. On that ground the entire claim petition has been dismissed. The appellants being the LRs of the claimant are entitled to award of medical expenses and attendant charges. On perusal of Exs.P18 to 25 the total medical expenses is Rs.3,19,095/-. Therefore, the appellants are entitled to medical expenses of Rs.3,19,095/-. The claimant has been admitted in the hospital for 23 days and therefore, the appellants are entitled to attendant and conveyance charges in a sum of Rs.23,000/- (Rs.1000x23). Considering the above aspects, the appellants are entitled to total compensation of Rs.3,42,095/- with interest @ 6% p.a. from the date of petition till realization. Respondent Nos.1 and 2 are jointly and severally liable to pay the said compensation with interest. Respondent No.2/insurer shall deposit the said amount with interest. The claimants are not entitled to interest for delay period of 1579 days in



filing the appeal as per order dated 24.07.2026 passed on I.A.1/2025.

10. In view of the above, the following:

ORDER

- i) The appeal is allowed.
- ii) The judgment and award dated 08.03.2019 passed in MVC No.24/2014 by the Senior Civil Judge and MACT, Virajpet, is set-aside.
- iii) The claim petition is allowed in part.
- iv) The appellants/claimants are entitled to total compensation of Rs.3,42,095/- with interest @ 6% p.a. from the date of petition till realization.
- v) Respondent No.2/insurer shall deposit the compensation with interest before the Tribunal within a period of six weeks from this day.



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- vi) The claimants are entitled to release of entire compensation amount.
- vii) The claimants are not entitled to interest for the delay period of 1579 days in filing the appeal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 2
Ct.sm