



CNR: KAHC010629142023

NC: 2026:KHC:44115
MFA No. 7977 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.7977 OF 2023(MV-D)

BETWEEN:

1. VINODA. S. E.,
W/O. SOMASHEKARAPPA. K,
AGED ABOUT 57 YEARS,
2. KEERTHI. K.,
S/O. SOMASHEKARAPPA. K,
AGED ABOUT 34 YEARS,
3. KIRAN. K. S.
S/O. SOMASHEKARAPPA. K,
AGED ABOUT 36 YEARS,

ALL ARE R/O. NO. 338,
2ND CROSS, LBS NAGARA,
SHIVAMOGGA CITY - 577 204.

...APPELLANTS

(BY SRI. SREE HARSHA A.K., ADVOCATE)

AND:

1. GOPI. R.,
S/O. RANGANATH,
AGED ABOUT 40 YEARS,
R/O. HONNAVILE,
BIDRE POST,
SHIVAMOGGA TALUK - 577 222.
(OWNER CUM DRIVER CENTER
LORRY BEARING REGISTRATION



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NO. KA-14A-6175)

2. THE BRANCH MANAGER,
NATIONAL INSURANCE CO. LTD.,
2ND FLOOR, S.S.COMPLEX,
B.H.ROAD,
SHIVAMOGGA - 577 201.
POLICY NO. 610600311710018805,
VALID DATED 31.07.2017 TO 30.07.2018.

...RESPONDENTS

(BY SRI. SRIKANTH PATIL K., ADVOCATE FOR R1,
SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:22.06.2023
PASSED IN MVC NO.249/2019 ON THE FILE OF THE I
ADDITIONAL SENIOR CIVIL JUDGE AND CJM AND MEMBER,
MACT, SHIVAMOGGA, 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 T.M.NADAF



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ORAL JUDGMENT

This appeal by the claimant assailing the finding of the Tribunal fastening the entire liability on the insured on the premise that the driver of the offending vehicle was not possessing valid and effective licence, arising out of the judgment and award dated 22.06.2023 in MVC No.249/2023 passed by the I Addl. Senior civil Judge and CJM, & Motor Accident Claim Tribunal at Shivamogga¹.

2. Heard Sri.Sree Harsha A.K., learned counsel appearing for the appellant, Sri.Srikanth Patil K., learned counsel appearing for the respondent No.1 and Sri.S.V.Hegde Mulkhand, learned counsel appearing for the respondent No.2.

3. Though this appeal is by the claimant seeking for enhancement of compensation and the finding of the Tribunal fastening the entire liability on the insured on the premise that the driver of the offending vehicle was not

¹ Hereinafter referred to as 'Tribunal' for short



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possessing valid and effective driving licence, he restricts his appeal only to the finding of the Tribunal contending that the Tribunal has awarded appropriate compensation, however, the finding fastening the liability on the insured is against the settled position of law by the Supreme Court in the case of **PAPPU DEO YADAV VS. NARESH KUMAR AND OTHERS²** and in the case of **NATIONAL INSURANCE COMPANY LIMITED vs. SWARAN SINGH AND OTHERS³**.

4. Though Sri.Hegde Mulkund argued in support of the judgment, he is not in serious dispute with the settled position of law. He submits that he may be permitted to pay the compensation with liberty to recover the amount from the insured in view of law the laid down by the Hon'ble Supreme Court in the cases stated supra.

5. Considering the rival submissions, this Court is of the opinion that in view of the settled position of law,

² (2022) 13 SCC 790

³ (2004) 3 SCC 297



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the insurer is primarily made liable to pay the compensation with liberty to recover the same from the insured.

7. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part***, the findings exonerating the liability of the Insurer is modified.
- (ii) The insurer is directed to primarily pay the entire compensation along with interest awarded by the Tribunal within six weeks from the date of receipt of copy of this order before the concerned Tribunal, with liberty to recover the same from the insured.
- (iii) On deposit, the entire amount shall be disbursed in terms of the order of



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apportionment and disbursement passed by
the Tribunal.

(iv) Trial Court Records received, if any, shall
be transmitted to the concerned Tribunal
forthwith without causing any delay.

(v) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

DR
List No.: 1 Sl No.: 7
ct-vn