



CNR: KAHC010768792025

NC: 2026:KHC:53205
MFA No. 8798 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8798 OF 2025

(MV-D)

BETWEEN:

ROYAL SUNDARAM INS. CO. LTD.
REP. BY THE MANAGER
ROYAL SUNDARAM GENERAL INSURANCE CO.LTD.,
No. 30, 3RD FLOOR, JNR CITY CENTRE
RAJARAM MOHAN ROY ROAD,
SAMPANGIRAMA NAGAR,
BENGALURU-560 027.

...APPELLANT

(BY SRI RAVI SHANKAR S. SAMPRATHI, ADVOCATE)

AND:

1. SMT. AYESHA MISBAH
W/O. SHAIK NAUSHER AHMED
AGED ABOUT 28 YEARS

2. SMT. SHAZAD BEGUM
W/O. ABDUL NABI
AGED ABOUT 69 YEARS

BOTH ARE RESIDING AT
No. 318, BUILDING No. 17, 1ST CROSS
RAJANNA LAYOUT, RBI EXTENSION
JAYANAGAR 3RD BLOCK
NEAR MASJID, BENGALURU SOUTH
BENGALURU-560 011.



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JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010768792025

NC: 2026:KHC:53205
MFA No. 8798 of 2025

3. M/S. SAPNA MOULDERS
GROUND FLOOR, No. 8 AND 9
AREKEMPANAHALLY, WILSON GARDEN
SHANTHI NAGAR
BENGALURU-560 027.

...RESPONDENTS

(BY SRI. SHRIPAD V. SHASTRY, ADVOCATE FOR R1 & R2;
SRI. SHIVASHANKAR S.K., ADVOCATE FOR R3)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:29.04.2025 PASSED IN MVC No.416/2024 ON THE FILE OF THE X ADDITIONAL JUDGE COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU SCCH-16, AWARDED COMPENSATION OF Rs.29,09,600/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION. (EXCLUDING INTEREST ON FUTURE PROSPECTS AMOUNT OF Rs.7,93,600/-)

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the insurer challenging the judgment and award dated 29.04.2025 passed in MVC No. 416/2014 by the X Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-16).

2. Respondent Nos. 1 and 2 – claimants made a claim petition praying to award compensation for the death of Shaik Nausher Ahmed in a road traffic accident

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JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010768792025

NC: 2026:KHC:53205
MFA No. 8798 of 2025

that occurred on 20.12.2023 contending that the accident occurred due to the rash and negligent driving by the driver of car bearing registration No. KA-03-NM-8146. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded total compensation of Rs.29,09,600/- with interest at the rate of 6% p.a. from the date of petition till the date of realization and held that the appellant – Insurer is liable to pay the said compensation with interest. Present appeal is filed by the insurer challenging the entire negligence attributed to the driver of the car.

3. Heard learned counsel for appellant – Insurer and learned counsel for respondent Nos. 1 and 2 – claimants.

4. Learned counsel for appellant – insurer would contend that the deceased had consumed alcohol at the time of accident and charge sheet has been filed against him for offence under Section 185 of Motor Vehicles Act. Since the deceased had consumed alcohol, he had

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



contributed to the accident and the Tribunal ought to have assessed his contributory negligence. The Tribunal has erred in holding that the driver of the car is solely negligent in causing the accident. With this he prayed to allow the appeal.

5. Learned counsel for respondent Nos.1 and 2 – claimants would contend that charge sheet Ex.P.9 has been filed against the driver of car for offence under Sections 279, 337, 304-A of IPC and that itself indicate that rash and negligent driving is attributed to the driver of the car. Charge sheet has not been filed against the deceased/rider of motorcycle for offence under Section 279 of IPC and therefore, no contributory negligence can be attributed to the deceased. Charge sheet has been filed against the deceased for offence under Section 185 of Motor Vehicles Act. Mere consuming of alcohol at the time of riding is not the reason to attribute contributory negligence on the rider of motorcycle/deceased. Driver of the car took a sudden right turn in the cross-road and



CNR: KAHC010768792025

NC: 2026:KHC:53205
MFA No. 8798 of 2025

entered the road on which the deceased was moving on a motorcycle and due to the sudden entry of the driver of the car, motorcycle of the deceased dashed against the car resulting in his death. Considering the said aspect the Tribunal has rightly held that the deceased has not contributed to the accident and sole negligence is on the part of the driver of the car. With this he prayed to dismiss the appeal.

6. Having heard learned counsel for the parties this Court has perused the judgment, award and trial Court records.

7. The following point arises for consideration in this appeal:

"Whether the Tribunal is justified in holding that the entire negligence is on the driver of the car in causing the accident?"

8. **REASONS:** The accident occurred on 29.04.2025 at about 09.20 pm. The accident occurred in night hours. Ex.P.9 is the charge sheet and it is filed

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



NC: 2026:KHC:53205
MFA No. 8798 of 2025

against the driver of the car for offence under Sections 279, 337, 304-A of IPC. Charge sheet is also filed against the deceased/rider of the motorcycle for offence under Section 185 of Motor Vehicles Act. As per the said charge sheet rash and negligent driving is attributed to the driver of the car. Rash and negligent driving is not attributed to the deceased/rider of the motorcycle in the said charge sheet. Said charge sheet clearly indicates that rash and negligent driving is by the driver of the car.

9. Ex.P.4 is the sketch of the spot of accident. A perusal of the said sketch indicates that driver of the car took right turn and suddenly entered the road on which the motorcycle of the deceased was moving due to which rider of the motorcycle dashed against the said car. The deceased was riding his motorcycle on the straight road in which the driver of the car entered the road by taking sudden right turn. Merely because rider of the motorcycle had consumed alcohol (since he is alleged of offence under Section 185 of Motor Vehicles Act) negligence cannot be

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010768792025

NC: 2026:KHC:53205
MFA No. 8798 of 2025

attributed to him. Considering the same the Tribunal has rightly held that the accident was caused due to the rash and negligent driving by the driver of the car. Accordingly, the point is answered.

10. In view of the same, appeal filed by the insurer is dismissed.

Amount in deposit is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 39
Ct.sm