HC-KAR

NC: 2026:KHC:59342
MFA No. 1605 of 2025
C/W MFA No. 6105 of 2025

CNR: KAHC010147102025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1605 OF 2025

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 6105 OF 2025

(MV-I)

IN MFA No. 1605/2025

BETWEEN:

DIVISIONAL MANAGER
RELIANCE GENERAL INSURANCE Co. LTD.,
No.28M EAST WING, 5TH FLOOR
STATIONARY BUILDING
M.G. ROAD, BENGALORE -560 001.
REP. BY ITS MANAGER LEGAL.
RELIANCE GENERAL INSURANCE CO. LTD.,
No.28, EAST WING, 5TH FLOOR, CENTENARY
BUILDING, M.G. ROAD
BENGALURU - 560 001.

...APPELLANT

(BY SRI D VIJAYA KUMAR, ADVOCATE)

AND:

1. JAVAD A
S/O. ASGAR ALI
AGED ABOUT 24 YEARS

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

R/ AT: GUNDLUPET TOWN,
CHAMARAJANAGARA DISTRICT-571 111.

2. ASHRAF ALI
S/O. MOHAMMED
MAJOR
R/AT. CHALAKANDY HOUSE
IRUMBUZHI PO, MALAPURAM,
KERALA STATE -676 513.

…RESPONDENTS

(BY SRI. SANATH KUMARA K.M, ADVOCATE
SRI VIVEKANANDA N, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:22.02.2023 PASSED IN MVC No.83/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MACT, GUNDLUPET, AWARDING COMPENSATION OF Rs.4,89,200/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF REALIZATION.

IN MFA No. 6105/2025

BETWEEN:

JAVAD A
S/O. ASGAR ALI
AGED ABOUT 24 YEARS
R/AT GUNDLUPET TOWN
CHAMARAJANAGARA DISTRICT
PIN-571 111.

...APPELLANT

(BY SRI SANATH KUMARA K.M, ADVOCATE)

AND:

1. SHRI ASHRAF ALI

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

S/O. MOHAMMED
AGED ABOUT MAJOR
CHALAKANDY HOUSE
IRUMBUZHI PO
MALAPURAM
KERALA STATE-676 509.

2. THE DIVISIONAL MANAGER
RELIANCE GENERAL INSURANCE CO. LTD.,
No. 28, EAST WING, 5TH FLOOR
STATIONARY BUILDING, M.G. ROAD
BENGALURU-560 001.

...RESPONDENTS

(BY SRI D VIJAYAKUMR, ADVOCATE FOR R2
SRI VIVEKANANDA N, ADVOCATE FOR R1)

THIS MFA FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:22.02.2023 PASSED IN MVC No.83/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC, MACT, GUNDLUPET, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.1605/2025 is filed by the insurer challenging the judgment and award dated 22.02.2023 passed in MVC No.83/2020 by the Senior Civil Judge and MACT, Gundlupet.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

2. MFA No.6105/2025 is filed by the claimant seeking enhancement of compensation awarded in MVC No.83/2020.

3. Heard learned counsel for appellants and learned counsel for respondents in both the appeals.

4. Learned counsel for the appellant/insurer would contend that appellant/insurer has been placed exparte before the Tribunal and therefore, the appellant/insurer did not contest the matter and prays for remand of the matter to the Tribunal for affording an opportunity to the appellant/insurer to contest the claim petition.

5. Learned counsel for respondent No.1/claimant submits that if the matter is remanded, time frame may be fixed for its disposal.

6. Learned counsel for respondent No.2/owner submits that there is insurance policy and it was valid as on the date of accident.

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JUDGE, HIGH COURT OF KARNATAKA

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

8. Respondent No.1/claimant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident contending that accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KL-10-BD-0012. Respondent No.1 was owner and respondent No.2 was the insurer. Respondents have been placed exparte before the Tribunal. The Tribunal after recording the evidence, appreciating the evidence assessed the compensation and awarded compensation under different heads and fastened liability on the appellant/insurer on the ground that copy of insurance policy has been produced and it was valid as on the date of accident. The insurer who has been placed exparte has filed the present appeal and the claimant has filed the appeal seeking enhancement of compensation awarded by the Tribunal.

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9. The insurer and the owner were placed exparte before the Tribunal. The insurer in Taluka places is represented by a standing counsel. The Tribunal ought to have given notice of the claim petition to the standing counsel and thereafter proceeded with the matter. The insurer who is the appellant herein did not contest the claim petition and the claim petition has been decided without contest by respondents who are the owner and insurer before the Tribunal. The appellant/insurer has challenged the quantum of compensation awarded on the ground that injuries sustained are simple in nature and compensation awarded is on higher side. The claimant has filed the appeal seeking enhancement of compensation awarded by the Tribunal contending that the compensation awarded is on lower side. Since the insurer is placed exparte, an opportunity has to be given to the insurer to contest the claim petition and for that the matter requires to be remanded to the Tribunal.

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JUDGE, HIGH COURT OF KARNATAKA

10. In view of the above, the following:

ORDER

i) Both appeals are allowed in part**.**

ii) The judgment and award dated 22.02.2023 passed in MVC No.83/2020 by the Senior Civil Judge and MACT, Gundlupet, is set-aside.

iii) The matter is remanded to the Tribunal with a direction to afford an opportunity to the appellant/insurer to contest the claim petition.

iv) The parties are directed to appear before the Tribunal on 23.11.2026 without awaiting any Court notice.

v) The appellant/insurer shall file its objections before the Tribunal on the date of appearance and lead evidence, if any.

vi) The amount in deposit, deposited by the appellant/insurer including the statutory deposit be transmitted to the Tribunal and the amount shall be kept in fixed deposit for a period of six months with auto renewal instructions.

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JUDGE, HIGH COURT OF KARNATAKA

vii) The Tribunal shall make endeavour to dispose of the claim petition within a period of six months.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

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