HC-KAR

NC: 2026:KHC:59343
MFA No. 3390 of 2026

CNR: KAHC010319562026

**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. 3390 OF 2026**

**(MV-I)**

**BETWEEN:**

SRI. JABBAR
AGED ABOUT 52 YEARS
S/O KADAR SABI
R/AT No.304, KURUBARPETE
MULBAGAL TOWN AND TALUK
KOLAR DISTRICT-563 131.

...APPELLANT

(BY SRI. PAWAN KUMAR S, ADVOCATE)

**AND:**

1. BHASKARA CHARI
   S/O NARAYANASWAMY
   AGED ABOUT 62 YEARS
   R/AT KALAMMA GUDI STREET
   KILARIPETE, KOLAR
   KOLAR-563 201.

2. IFFCO TOKIO GENERAL INSURANCE CO. LTD,
   ADITHYA LABORATORY BUILDING
   NEAR SNR HOSPITAL
   BANARPET CIRCLE

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

KOLAR-563 201.
REP. BY ITS BRANCH MANAGER

…RESPONDENTS

(BY SRI AMAR GOWAR K S, ADVOCATE FOR R1
SRI B C SHIVANNEGOWDA, ADVOCATE FOR R2
V.K. FILED K/B)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:26.02.2026 PASSED IN MVC No.209/2024 ON THE FILE OF THE I ADDITIONAL DISTRICT JUDGE AND MEMBER, MACT, KOLAR, AWARDING COMPENSATION OF Rs.2,50,000/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

**ORAL JUDGMENT**

Sri Amar Gowda.K., learned counsel files vakalath for respondent No.1.

2. Appellant and respondent No.1 are present. A joint memo is filed and it is signed by appellant and respondent No.1 and their respective counsels. The terms of the joint memo are as under:

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JUDGE, HIGH COURT OF KARNATAKA

*"1. The Appellant submits that the 1st Respondent has filed claim petition before the claim tribunal claiming compensation for injuries sustained by him in the road traffic accident. The claim tribunal after recording evidence and hearing the parties was pleased to award a sum of 2,50,000/-(Two lakhs fifty thousand only) as compensation and directed to pay the appellant by its judgement and award dated 26-2-2026.*

*2. The Appellant submits that the vehicle involved in the accident is two wheeler and the driver of the vehicle was having effective driving license to drive the vehicle but the police have falsely implicated the appellant in the charge sheet and before the tribunal the appellant has produced memo along with documents to establish that at the time of the accident the appellant was not a driver but tribunal has not considered these aspects and fixed the liability against the appellant and the appellant has violated the terms and condition of the policy and therefore the appellant which is highly arbitrary and illegal. Hence file the above case.*

*3. The Appellant submits that after filing the case this Hon'ble Court vide order dated 01-07-2026 has stayed the order of the trial Court with subject to following conditions.*

> *a. The appellant -claimant shall deposit 50% of award amount with interest before the Tribunal within a period of 06 weeks from this day.*

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JUDGE, HIGH COURT OF KARNATAKA

*b. The claimant is entitled to release of amount so deposited. If the claimant doesn't make any application for disbursement within a period of 06 weeks from the date of deposit, the Tribunal shall keep the amount in fixed deposit in any nationalized Bank for a period of one year with auto renewal instructions.*

*4. The Appellant submits that after this order passed by the Court the Appellant and respondent No.1 have settle the dispute amicable with well-wisher in the family.*

*5. The Appellant and respondent No.1 has agreed, the petitioner shall pay Rs.1,00,000/-(One Lakh only) by way of cash before this Hon'ble Court full and final settlement of the claim.*

*6. The respondent No.1 agrees that he shall not make any claims in this Hon'ble court or any other court ones the consideration amount is paid neither for past expenses nor future expenses. This compromise is drawn to put an end to this dispute forever.*

*7. It has further specifically been agreed between the parties that immediately on failure/default of payment, the petitioner may choose appropriate legal remedy. This joint memo is entered into without any undue influence or coercion and with*

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*free will, consent in good state of mind by the parties in the presence of their respective advocates.*

*Therefore, the Appellant and respondent No.1 has prays this Hon'ble Court please to set aside the judgment and award passed by the I Addl. District and Sessions Judge & Motor Accidents Claim Tribunal at Kolar in MVC No.209/2024 dated 26-02-2026, in the interest of justice."*

3. In terms of the joint memo, the appellant pays Rs.1,00,000/- cash to the respondents. Respondents acknowledges receipt of cash of Rs.1,00,000/-. In view of said settlement, appeal is disposed of as settled.

4. Registry is directed to repay the statutory deposit to the appellant.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

**(SHIVASHANKAR AMARANNAVAR)**
**JUDGE**

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List No.: 2 Sl No.: 6
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