CNR: KAHC010331302019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 1129 OF 2019 (MV-I)

BETWEEN:

UNITED INDIA INSURANCE CO.LTD.,
RAMANAGARA BRANCH OFFICE,
THROUGH ITS REGIONAL OFFICE,
5TH FLOOR, KRISHIBHAVAN,
N.R.ROAD, BANGALORE-560 001.
REPRESENTED BY ITS MANAGER.

...APPELLANT

(BY SRI. JANARDHAN REDDY., ADVOCATE)

AND:

1. BHARATH KUMAR.V
   S/O VENKATESH.M,
   AGED ABOUT 36 YEARS,
   R/AT NO.35, 5TH CROSS, 7TH MAIN,
   LAKSHMINARAYANAPURA,
   NEW EXTENSION,
   BANGALORE-560 021.

2. THE MANAGING DIRECTOR,
   KSRTC, SHANTHI NAGAR,
   K.H.ROAD, BANGALORE-560 027.
   (OWNER OF KSRTC BUS BEARING NO.KA-42-F-985).

3. HARISH
   S/O SHIVANNA,
   R/AT CHANDRAMANTAVA,
   MUDHIGERE,

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA

CHIKKAMAGALORE DISTRICT-517 113.
(OWNER OF THE MARUTHI CAR NO.KA-03-M-5913)

…RESPONDENTS

(BY SRI. A.C.PATIL., ADVOCATE FOR R1;
SRI. F.S.DABALI., ADVOCATE FOR R2;
NOTICE TO R3-HELD SUFFICIENT V/O DTD:18.01.2024)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 05/11/2018, PASSED IN MVC NO.6025/2012, ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE & XXXIV ACMM., COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU, AWARDING COMPENSATION OF RS.85,360/- WITH INTEREST AT THE RATE OF 6% P.A., FROM THE DATE OF PETITION TILL REALIZATION OF ENTIRE AMOUNT.

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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. Learned counsel for the appellant submits that given the settled legal position, as enunciated by the Supreme Court in ***Khenyei v. New India Assurance Co. Ltd. & Ors.***[1], is that in cases of composite negligence, the liability of the joint tort-feasors is joint and several, and the claimant is entitled to recover the entire compensation from any one of them. The apportionment of compensation between the joint tort-feasors, insofar as

[1] (2015) 9 SCC 273

the claimant is concerned, is impermissible. Any determination of the inter se extent of negligence is only for the purpose of adjustment of liability between the joint tort-feasors. He thus submits that this appeal does not survive for consideration.

2. Accordingly, the learned counsel for the appellant seeks and is granted liberty to withdraw the present appeal.

3. The appeal is dismissed as withdrawn. Pending applications, if any, stand closed.

4. All amounts deposited by the appellant shall be sent to the concerned Tribunal.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 1 Sl No.: 21