CNR: KAHC010337262018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 1058 OF 2018 (MV-I)

BETWEEN:

SRI. H.P.SURESH
SON OF HANUMAPPA,
AGED ABOUT 40 YEARS,
RESIDING AT PAKKEGOWDANAPALYA,
HESARAGHATTA HOBLI,
ABBIGERE, BENGALURU-560 090.

...APPELLANT

(BY SRI. P.M.GOPI., ADVOCATE FOR
SRI. P.M.SIDDAMALLAPPA., ADVOCATE)

AND:

1. SRI.NAGARAJ
SON OF LATE PILLACHARI,
AGED ABOUT 53 YEARS,
RESIDING AT NO.18/4,
1ST 'B' CROSS, MATHIKERE,
BENGALURU-560 054.

2. CHOLA MS.GENERAL INSURANCE COMPANY LIMITED,
NO.135/5, 2ND FLOOR,
15TH CROSS, J.P.NAGAR 3RD PHASE,
BENGALURU-560 078.

...RESPONDENTS

(BY SRI. B.PRADEEP., ADVOCATE FOR R2;
NOTICE TO R1-HELD SUFFICIENT-V/O/DTD:01.10.2026)

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JAI JYOTHI J
Location:HIGH
COURT OF
KARNATAKA

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THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.05.2016 PASSED IN MVC

NO.2315/2014 ON THE FILE OF THE 3RD ADDITIONAL SENIOR CIVIL JUDGE COURT OF SMALL CAUSES, BENGALURU (SCCH-18), AWARDING COMPENSATION OF RS.4,44,000/- WITH INTEREST AT 9% P.A. FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

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

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL JUDGMENT

1. The present appeal seeks to challenge the Judgment and Award dated 30.05.2016 passed by the learned III Additional Senior Civil Judge and Motor Accident Claims Tribunal, Bengaluru (SCCH-18) in M.V.C.No.2315/2014 [hereinafter referred to as the "Impugned Award"]. By the Impugned Award, the learned Tribunal has awarded compensation in a sum of Rs.4,44,000/- with interest @ 9% per annum from the date of petition till the date of deposit and directed the owner of the offending vehicle to pay the compensation.

2. The challenge in the present appeal is by the owner of the offending vehicle.

3. At the outset, the learned counsel for the parties draws the attention of the Court to an order dated 09.09.2026 passed by a Coordinate Bench in an appeal filed by the claimant, seeking for enhancement. The order passed by the Coordinate Bench, while deciding the enhancement aspect, has also fixed the liability on the Insurance Company.

4. The learned counsel for the appellant/owner seeks to rely upon the settled law in this regard including as passed by the Supreme Court in the case of ***Mukund Dewangan v. Oriental Insurance Co. Ltd.***[1] as well as the order dated 09.09.2026 passed in MFA No.8420/2016 [MV-I], to submit that the Coordinate Bench has decided that the liability would be that of the Insurance Company, given the settled position of law and has exonerated the owner.

[1] (2017) 14 SCC 663

5. The learned counsel for the respondent No.2/ Insurance Company, given the settled position of law, fairly submits that the settled position in terms of ***Mukund Dewangan*** case in certain circumstances cannot be fastened on the owner.

6. This Court has examined the order passed by a Coordinate Bench in MFA No.8420/2016 [MV-I]. Since there is a finding by a Coordinate Bench that there was no violation of the conditions of the Insurance Policy and in terms of the settled legal position in ***Mukund Dewangan*** case as well as ***Royal Sundaram Alliance Insurance Company Vs. Honnamma and Ors.***[2] also, this appeal is ***disposed of*** in terms of the order passed in MFA No.8420/2016[MV-I]. All pending applications stand closed.

7. The amount, if any, deposited by the appellant/ owner is directed to be refunded to him, in accordance with the law.

[2] 2025 SCC Online SC 1027

8. The Registry is directed to transmit records to the concerned Tribunal.

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Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

BMV*
wwList No.: 1 Sl No.: 17