HC-KAR

NC: 2026:KHC:62297
MFA No. 4536 of 2026

CNR: KAHC010410682026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4536 OF 2026

(MV-I)

BETWEEN:

MOHAN M B
S/O BETTEGOWDA K
AGED ABOUT 50 YEARS
R/AT MUDALAKOPPALU VILLAGE
HALEBEEDU, PANDAVAPURA TALUK
MANDYA DISTRICT-571 439.

...APPELLANT

(BY SRI. SREENIVASAN M Y, ADVOCATE)

AND:

1. N NAGENDRA
S/O NANJUNDAREDDY-
LAKSMAIAHREDDY
AGED ABOUT 52 YEARS
R/AT 172, 18TH CROSS
24TH MAIN BEHIND HANUMANTADEVASTANA
PARANGIPALYA, HSR LAYOUT
BENGALURU-560 102.

2. THE MANAGER,
ACKO GENERAL INSURANCE CO.LTD.,
R/AT No.36/5, HOSTEL HUB ONE EAST
SOMASANDRAPALYA, 27TH MAIN
RD SECTOR-2, HSR LAYOUT
BENGALURU-560 102.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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…RESPONDENTS

(BY SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 15.10.2026
NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:24/03/2026 PASSED IN MVC No.688/2024 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND MACT AT PANDAVAPURA., DISMISSING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

The claimant has filed the present appeal challenging the judgment and award dated 24.03.2026 passed in MVC No.688/2024 by the I Additional Senior Civil Judge and MACT, Pandavapura.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.2/insurer.

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3. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 19.02.2024 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-03-ND-5760. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded global compensation of Rs.3,50,000/- with interest @ 6% p.a. The Tribunal dismissed the claim petition only on the ground that respondent No.1/owner of the insured vehicle has been shown as N.Nagendra, but the owner as per RC is one N.Raghavendra. The Tribunal has also observed that even though respondent No.1 – N.Raghavendra who appeared through counsel has stated the same in his written statement, but the claimant has not chosen to amend the cause-title in the claim petition. Accordingly, the Tribunal dismissed the claim petition. Hence, the claimant has

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challenged the said judgment of the Tribunal in the present appeal.

4. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

5. Learned counsel for the appellant would contend that there is a mistake on the part of the counsel appearing for the claimant before the Tribunal in not seeking amendment of the cause-title to rectify the mistake crept in the name of respondent No.1/owner of vehicle and if an opportunity is given by remanding the matter, the claimant will amend the name of respondent No1. He further submits that Doctor has not been examined even though claimant has sustained three fractures, to prove the disability and if the matter is remanded the claimant will examine the Doctor. With this he prayed to remand the matter to the Tribunal.

6. Learned counsel for respondent No.2/insurer submits that there is willful negligence on the part of the

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claimant in not amending the cause-title of petition and therefore, the Tribunal has rightly dismissed the claim petition.

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

8. Respondent No.1 described in the claim petition is N.Nagendra, s/o Nanjundareddy. Notice has been issued to respondent No.1. On service of notice, vakalath has been filed for N.Raghavendra by his counsel Sri K.P.Shankarlingegowda. The said counsel has filed written statement wherein it is contended that one N.Raghavendra is the RC owner of car bearing Reg.No.KA-03-ND-5760 and therefore, the petition is bad for non-joinder of necessary party. Inspite of the said objection taken by the counsel for respondent No.1 in the written statement, the claimant has not chosen to amend the cause-title of the claim petition in respect of name of respondent No.1. Considering the said aspect, even though the Tribunal has

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assessed the compensation, but dismissed the claim petition on that ground. The claim petition has been dismissed on technicality. The award of compensation under the Motor Vehicles Act is a social legislation and for technicality, the claimants should not be put to injustice. Therefore, an opportunity requires to be afforded to the claimant to make an application before the Tribunal seeking amendment of name of respondent No.1 and lead evidence of Doctor, if any. The matter for the said purpose requires to be remanded to the Tribunal. As the said mistake is on the part of the claimant, he is not entitled to interest for period from 24.03.2026 (date of judgment and award) till disposal of claim petition by the Tribunal.

9. In view of the above, the following:

ORDER

i) The appeal is allowed**.**

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ii) The judgment and award dated 24.03.2026 passed in MVC No.688/2024 by the I Additional Senior Civil Judge and MACT, Pandavapura, is set-aside.

iii) The matter is remanded to the Tribunal for affording an opportunity to the claimant to make an application to seek amendment of name of respondent No.1 and adduce evidence of Doctor in order to establish the disability.

iv) Respondents are also at liberty to lead further evidence, if any.

v) The parties are directed to appear before the Tribunal on 14.12.2026 without awaiting any Court notice.

vi) Registry is directed to send back the trial Court records with a copy of this judgment, so as to reach before date of appearance of parties.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

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