



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2037 OF 2024 (MV-I)

BETWEEN:

SRI P KAPANAIAH
S/O PUTTAPPA
AGED ABOUT 85 YEARS
R/O SASALU VILLAGE
KIKKERI HOBLI
K.R. PETE TALUK
MANDYA DISTRICT
PIN: 571426

...APPELLANT

(BY SRI. PARAMESHWARAPPA M V., ADVOCATE)

AND:

1. SMT PUTTALAKSHAMAMMA
W/O PUTTEGOWDA
AGED ABOUT 65 YEARS
R/O AKKIHEBBALU VILLAGE
AKKIHEBBALU HOBLI,
K.R. PETE TALUK
PIN: 571 426

2. THE BRANCH MANAGER,
BAJAJ ALLIANZ GENERAL
INSURANCE COMPANY LTD.,
NO.363, SRI HARI COMPLEX,
SEETAVILASA ROAD,
MYSURU-570 024.

...RESPONDENTS

(BY SRI. VASU K., ADVOCATE FOR R1,

Digitally signed
by PADMASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 09.09.2020 PASSED IN MVC
NO. 39/2009 ON THE FILE OF THE SENIOR CIVIL JUDGE
AND JMFC, K.R. PET, AWARDED COMPENSATION OF RS.
2,28,300/- IS AWARDED TO THE PETITIONER.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under
Section 173(1) of Motor Vehicles Act, 1988 challenging the
judgment and award dated 09.09.2020 passed in MVC No.
39/2009 on the file of the Senior Civil Judge and JMFC, K.R.
Pet, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the
appellant and learned counsel for respondent No.2. The ranks
of the parties are retained as per tribunal for the sake of
convenience.

3. The Injured claimant met with an accident on
01.09.2008 and filed claim petition claiming compensation of
Rs.8,54,000/-. The Tribunal considering the entire evidence on



record granted an amount of Rs.2,28,300/- with interest at the rate of 6% from the date of petition till deposit.

4. The Tribunal held that the Insurance Company was not liable to pay the compensation and directed the owner of the vehicle to deposit the amount within two months. Aggrieved by the said order, the claimant preferred an appeal in MFA No.4770/2020 which was partly allowed by the co-ordinate bench on 21.07.2025. In the said order, the principle of "pay and recovery" was invoked and the Insurance Company was directed to deposit the compensation. The compensation amount was also enhanced to Rs. 2,71,800/-, with a liberty to the Insurance Company to recover the same from the owner of the vehicle. The owner of the vehicle also preferred this appeal, the issues raised in both the MFAs are to be heard together and disposed of by a common judgment. However, in the present case, the said issue has already been decided by the Co-ordinate bench and Insurance company already had granted liberty to recover the amount from the owner of the vehicle.



Therefore, this appeal is devoid of merits and is ***dismissed.***

In view of the orders passed in MFA No.4770/2020, the amount already in deposit is to be transferred to MACT.

The owner of the vehicle already deposited the amount before the tribunal and that amount may be refunded to the Insurance Company and also Rs.25,000/- the statutory amount already deposited, is also to be transferred to MACT.

The Insurance Company shall deposit balance amount, in view of the enhancement of compensation and they are at liberty to recover the balance amount from the owner of the vehicle by due process of law.

**Sd/-
(P SREE SUDHA)
JUDGE**

AKV
CT:NR
List No.: 1 Sl No.: 61