



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

M.F.A. NO. 6039 OF 2024 (MV-D)

C/W

M.F.A. NO. 2136 OF 2026 (MV-D)

IN MFA NO. 6039/2024

BETWEEN:

M/S. NEW INDIA ASSURANCE COMPANY LTD.,
1ST FLOOR, SHREYAS RAJ BUILDING
WHITEFIELD ROAD,
GARUDACHARAPALYA,
MAHADEVAPURA POST,
BENGALURU, KARNATAKA-560048

REPRESENTED BY
THIRD PARTY CLAIMS HUB
MAHALAKSHMI CHAMBERS
2ND FLOOR, NO.09, M G ROAD,
BENGALURU - 560001.

REP. BY N L SAI SUDHA
ASSISTANT MANAGER.

...APPELLANT

(BY SMT. GEETHA RAJ, ADV.)

AND:

1. MR. K. KALIDAS
S/O KALAHASTHI TIRUPATHI RAO
AGE ABOUT 63 YEARS





NC: 2026:KHC:25650-DB
MFA No. 6039 of 2024
C/W MFA No. 2136 of 2026

2. MRS. KALAHASTHI SIVLAKSHMI
W/O K KALIDAS
AGE ABOUT 64 YEARS
3. MRS. KALAHASTHI DEEPTHI GAYATHRI
D/O K KALIDAS
AGE ABOUT 31 YEARS

ALL ARE RESIDING AT
NO.5- 60-2/77D,
ASHOK NAGAR 3/4TH LANE,
BESIDE H P GODOWN,
CHANDRAMAULINAGAR,
GUNTUR - 522007
ANDHRAPRADESH.

4. MR. KOMMALURU NARASIMHA RAO
NO.303, K R HEIGHTS
1ST CROSS, NRI LAYOUT,
KALKERE, RAMAMURTHY NAGAR
BENGALURU KARNATAKA - 560016

...RESPONDENTS

(BY SRI. ABHINAY Y T, ADV. FOR
SRI SUMEDH KUMAR M., ADV. FOR R1-R3
SRI HALESHA R.G., ADV. FOR R4)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 08.04.2024 PASSED IN MVC
NO.54/2019 ON THE FILE OF THE XIX ADDITIONAL JUDGE, COURT
OF SMALL CAUSES AND ACMM, MACT, BENGALURU (SCCH-17),
AWARDING COMPENSATION OF RS. 88,46,672/- WITH INTEREST AT
6 PERCENT FROM THE DATE OF PETITION TILL REALIZATION OF
THE AMOUNT.

IN MFA NO. 2136/2026

BETWEEN:

RAKESH K
(RESPONDENT-1 DIED) REPT BY HIS LRS.,



NC: 2026:KHC:25650-DB
MFA No. 6039 of 2024
C/W MFA No. 2136 of 2026

SHIR. KOMMALURU NARASIMHA RAO
S/O LATE. RAMARAO,
AGED ABOUT 71 YEARS,
R/O 303, K. R. HEIGHTS,
1ST CROSS, NRI LAYOUT, KALKERE,
RAMAMURTHY NAGAR,
BENGALURU-560 016,
KARNATAKA.

...APPELLANT

(BY SRI. HALESHA R. GAVIMATH, ADV.)

AND:

1. MR. K KALIDAS
S/O KALAHASTHI TIRUPATHI RAO,
AGED ABOUT 65 YEARS,
2. SMT. KALAHASTHI SIVA LAKSHMI,
W/O K. KALIDAS,
AGED ABOUT 66 YEARS
3. SMT. KALAHASTHI DEEPTHI GAYATHRI,
D/O K. KALIDAS,
AGED ABOUT 33 YEARS,

RESPONDENT 1 TO 3 ARE
R/O NO.5-60-2/77D,
ASHOK NAGAR, 3/4TH LANE,
BESIDE HP GODOW,
CHANDRAMAULINAGAR,
GUNTUR-522 007,
ANDHRA PRADESH.

4. THE NEW INDIA ASSURANCE CO. LTD.,
1ST FLOOR, SHREYAS RAJ BUILDING,
WHITEFIELD ROAD,
GARUDACHARPALYA,
MAHADEVAPURA POST,
BENGALURU-560 048,
KARNATAKA,
REP. BY ITS, MANAGER.

...RESPONDENTS

(BY SRI. ABHNAY Y.T., ADV. FOR



NC: 2026:KHC:25650-DB
MFA No. 6039 of 2024
C/W MFA No. 2136 of 2026

SRI SUMEDH KUMAR M., ADV. FOR R1 TO R3
SMT. GEETHA RAJ, ADV. FOR R4)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.04.2024 PASSED IN MVC NO.54/2019 ON THE FILE OF THE XIX ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND ACMM BENGALURU SCCH-17, AWARDING COMPENSATION OF RS.88,46,672/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The above two appeals are directed against the judgment and award dated 08.04.2026 in MVC 54/2019 on the file of Court of XIX Additional Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-17).

2. The insurer is in Appeal in MFA No.6039/2024 questioning the portion of the judgment directing the



Insurance Company to pay and recover by respondent No.4.

3. MFA No.2136/2026 is filed by the owner of the offending vehicle questioning the entire judgment and award.

4. The claimants/respondent Nos.1 to 3 herein filed claim petition under Section 166 of the Motor Vehicles Act, claiming compensation for the accidental death of Kalahasthi Bhavani Krishna Sai in a motor vehicle accident that occurred on 27.01.2018 involving car bearing No.KA-53-ME-3224.

5. The Insurance Company on appearance filed its objections in both the MVC's wherein it admitted the insurance policy and further stated that it was a package policy. However, it was submitted that insured vehicle was subject to the terms and conditions of the policy. It also disputed the statement of the claimants that the car was driven by one Sri.Rakesh.K.



6. Before the Tribunal, claimant No.1 in MVC.No.52/2019 examined himself as PW1 and on behalf of insurance company RW1 – officer of the insurance company is examined. On behalf of the claimants, Ex.P1 to Ex.P11 documents are marked and on behalf of the insurance company, Ex.R1 to Ex.R12 documents were marked. However, the owner/respondent No.4 who is in appeal has neither let-in any evidence nor marked any documents.

7. The Tribunal based on the material on record, awarded compensation of Rs.88,46,672/- in MVC.No.54/2019 and dismissed MVC.No.52/2019. Both the above appeals are directed against the judgment and award dated 08.04.2024 in MVC.No.54/2019.

8. Heard learned counsel Smt.Geetha Raj for appellant/insurance company, learned counsel Sri.Halesha.R.G., for appellant/owner-respondent No.4 in insurance company's appeal as well as learned counsel



Sri.Abhinay.Y.T., for Sri.Sumedh Kumar.M., learned counsel for respondent Nos.1 to 3. Perused the entire appeal papers including the Trial Court Records.

9. Learned counsel Smt.Geetha Raj for insurance company would contend that since one Sri.Vijay Bhaskar Kulari who had no licence was driving the car, the Tribunal could not have directed the insurance company to pay and recover the same from owner of the offending vehicle. Further, learned counsel would submit that initially FIR indicated that Sri.Vijay Bhaskar Kulari was driving the car and at the time of filing the charge sheet, it was shown that one Sri.Rakesh.K., was driving the vehicle. Thus, it is submitted that there are contradictions and she further submits that no material is placed on record to prove that Sri.Rakesh.K., was driving the vehicle. It is further submitted that the owner of the vehicle i.e., respondent No.4 in the present appeal has not let in his evidence and as he has not let-in his evidence, the Tribunal without any material could not have come to the conclusion that one



Sri.Rakesh.K., was driving the vehicle and directed the insurance company to pay and recover the compensation from the fourth respondent/owner of the vehicle. Further, learned counsel would question the quantum of compensation awarded by the Tribunal on the ground that income tax component is not deducted while determining the income of the deceased. Thus, she would pray for allowing the appeal.

10. *Per contra*, learned counsel Sri.Halesha.R.G., for owner of the vehicle would submit that respondent No.4 is a resident of Kadapa, whereas, the MVC was filed before the Court at Bengaluru. Since the MVC was filed at Bengaluru, it was difficult for him to travel from Kadapa to Bengaluru, that too during the COVID-19 period. He submits that since the evidence was let in during COVID-19 period, the owner/respondent No.4 could not lead his evidence and place on record relevant documents. Learned counsel would submit that the owner has filed I.A.No.1/2026 in MFA.No.6039/2024 to produce additional



documents such as the statements recorded by the police in Crime.No.0007/2018 and also the driving licence of Sri.Rakesh.K., who according to owner was driving the car. Learned counsel would submit that those documents if considered by this Court or by the Tribunal, the conclusion would be different. Thus, he prays for taking note of those documents while appreciating the contentions raised by the owner. However, learned counsel Sri.Halesha.R.G., would seek for remand of the matter to enable the fourth respondent/owner to lead his evidence and to mark documents which are now produced along with I.A.No.1/2026. Thus, he would pray for allowing the appeal of the fourth respondent.

11. Learned counsel Sri.Abhinay.Y.T., for claimants would submit that the claimants in pursuance to the interim order of this Court, withdrew 50% of the award amount deposited by the appellant/insurance company. Further, he submits that if this Court were to remand the matter to the Tribunal for fresh consideration, he submits that the



amount withdrawn by the claimants could be made subject to the outcome of the award to be passed by the Tribunal.

12. Submissions of the learned counsel appearing for the parties are considered.

13. The accident that took place on 27.01.2018 involving car bearing No.KA-53-ME-3224 and the death of Kalahasthi Bhavani Krishna Sai is not in dispute in the present appeal.

14. I.A.No.1/2026 is filed under Order 41 Rule 27 of CPC by the fourth respondent/owner seeking leave to produce additional documents such as statements recorded under Section 161(3) of Cr.P.C., in Crl.No.0007/2018, driving licence of one Sri.Rakesh.K., who is said to be driving the vehicle and also the death certificate of Sri.Rakesh.K., along with medical certificates of fourth respondent/owner. Learned counsel for the appellant in support of I.A for production of additional documents submitted that due to COVID-19 period he



could not regularly travel out to Bengaluru where the case has been conducted and to lead evidence by producing documents. The documents produced along with I.A.No.1/2026 would be proper and necessary documents while considering or determining the compensation as claimed in MVC.No.54/2019. As the documents are very much necessary for deciding the lis between the parties and by accepting the cause shown for delay in producing the documents, we allow I.A.No.1/2026 for production of additional documents.

15. The contention of the fourth respondent/owner that he could not lead evidence by coming over from Kadapa to Bengaluru, since it was COVID-19 period requires to be accepted and the owner/fourth respondent is to be given an opportunity to lead his evidence. Therefore, we deem it appropriate to set aside the present judgment and award passed in MVC.No.54/2019 and to remand the matter to the Tribunal for fresh consideration by giving an opportunity to the fourth respondent/owner



to produce the documents placed on record along with I.A.No.1/2026. Hence, the following:

ORDER

- a) The judgment and award dated 08.04.2024 passed in MVC.No.54/2019 is set aside and the matter is remanded back to the Tribunal.
- b) The Tribunal shall consider the entire claim petition afresh by giving an opportunity to the parties to lead their evidence.
- c) Learned counsel for the fourth respondent/Sri.Halesha.R.G., undertakes to file written statement within four weeks from the date of appearance before the Tribunal.
- d) The parties shall appear before the Tribunal on 29.06.2026.
- e) The Tribunal shall endeavor to dispose of the claim petition within four months from the date of appearance of the parties.
- f) The fourth respondent/owner of the vehicle shall pay cost of Rs.20,000/- to claimants No.1 to 3 and the cost shall be paid on the date of



appearance before the Tribunal i.e.,
29.06.2026.

- g) If the claimants succeed in the claim petition and if the Tribunal awards compensation, saddling liability on insurer, the fourth respondent herein – owner of the offending vehicle shall pay interest on the award amount from today i.e., 02.06.2026 till the payment of the entire compensation.
- h) The amount withdrawn by the claimants No.1 to 3 shall be subject to the outcome of the award to be passed by the Tribunal.
- i) With the above, both the appeals stand disposed of.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE