



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3236 OF 2016 (MV-D)

BETWEEN:

1. UNITED INDIA INSURANCE
CO. LTD.,
BRANCH OFFICE,
THROUGH ITS REGIONAL OFFICE,
NO.18, 5TH & 6TH FLOORS,
KRISHIBHAVAN, HUDSON CIRCLE,
BANGALORE-560 001.
REP. BY ITS MANAGER.

...APPELLANT

(BY SRI. JANARDHAN REDDY.,ADVOCATE)

AND:

1. SMT NELAMMA
W/O SRI JAYARAMU
AGED ABOUT 42 YEARS,
2. RAMYA J
D/O SRI LATE JAYARAMU
AGED ABOUT 25 YEARS,
3. ROOPA C J
D/O SRI LATE JAYARAMU,
AGED ABOUT 23 YEARS,
4. RASHMI J
D/O SRI LATE JAYARAMU
AGED ABOUT 21 YEARS,
5. RADHAJ
D/O SRI LATE JAYARAMU ,
AGED ABOUT 20 YEARS,

ALL ARE R/AT NO.79,





RAMA MANDIR STREET,
ELEKERE, CHANNAPATNA TOWN,
CHANNAPATNA TALUK,
RAMANAGAR DISTRICT-562 160.

6. SRI UMESH N. MAGAJI
S/O SRI M.L. NANJUNDASA ,
MAJOR IN AGE,
R/AT 16-1-1, 12TH CROSS,
FIRST K-BLOCK,
RAJAJINAGAR,
BANGALORE-560 010.
7. THE MANAGER
THE ORIENTAL INSURANCE CO. LTD.,
DO-10, NO.213-217,
NAGAPRABHA CHAMBERS,
3RD MAIN, 4TH CROSS,
CHAMARAJPET,
BANGALORE-560 018.
8. SRI THAMMANNA GOWDA
S/O SRI. GANGAIAH H
MAJOR IN AGE,
R/AT NO.14/1, 1ST B CROSS,
PAPAREDDYPALYA,
NAGARABJHAVI, 2ND STAGE,
BANGALORE-560 072.

...RESPONDENTS

(BY SRI.SHRIPAD V. SHASTRI.,ADVOCATE FOR R1 TO R5,
SRI. S.V. SHIVALLI, ADVOCATE FOR R7,
SRI. RAJESH S., ADVOCATE FOR R8,
VIDE ORDER DATED 29.02.2024, NOTICE TO R6 H/S)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.01.2016 PASSED IN MVC
NO.561/2014 ON THE FILE OF THE XXIII ADDITIONAL SMALL
CAUSE JUDGE, & XXI ACMM, MACT, COURT OF SMALL CAUSES,
BENGALURU, AWARDING COMPENSATION OF Rs.7,70,040/- WITH
INTEREST @ 9% P.A. FROM THE DATE OF PETITION TILL DEPOSIT
IN THE TRIBUNAL.



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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard Sri.Janardhan Reddy, learned counsel appearing for the petitioner, Sri.Shripad.V.Shastri, learned counsel appearing for respondent Nos.1 to 5, Sri.S.Y.Shivalli, learned counsel appearing for respondent No.7 and Sri.Rajesh, learned counsel appearing for respondent No.8.

2. This appeal is filed against the judgment and award of the dated 19.01.2016 passed by the MACT at Bengaluru (henceforth referred to as 'Tribunal') MVC No.561/2014.

3. One Rachamma met with an accident on 21.10.2013 at about 6.30 p.m. and died subsequently. Her daughter-in-law and grandchildren have filed claim petition claiming compensation of Rs.15,00,000/-. The Tribunal considering the entire evidence on record, has awarded the compensation of Rs.7,70,040/- with interest 9% per annum



from the date of petition till the date of depositing the amount in the Tribunal.

4. Aggrieved by the said judgment and award of the Tribunal, respondent No.4/the United India Insurance Co. Ltd., has preferred this appeal and mainly contented that the Tribunal erred in fixing liability.

5. It is submitted that the accident occurred when Rachamma was crossing the road, at that time the driver of the Tavera car bearing Registration No. KA-04-MR-1008 came with rash and negligent manner, dashed against Rachamma, and subsequently dashed with another car bearing Registration No. KA-02-MB-5662. The charge sheet has been filed against the driver of the Tavera car (KA-04-MR-1008). However, the Tribunal, while appreciating the facts, fixed 50% of the liability on the insured of the car bearing Registration No. KA-02-MB-5662, which requires rectification.

6. The claim petition was filed claiming compensation against respondent No.1 is the owner of the Tavera car and respondent No.2 is the insurer of respondent No.1. Respondent No.3 is the owner of the car bearing No.KA-02-MB-5662 and



respondent No.4 is the insurer of respondent No.3, as there are 4 respondents.

7. The Tribunal erred in appreciating the facts that two vehicles were involved in causing the accident and in fixing liability equally on Respondent Nos.2 and 4 at 50% each. In fact, the accident occurred only due to the rash and negligent driving of the driver of the Tavera car bearing Registration No.KA-04-MR-1008, against whom the charge sheet has been filed. There was no role played by Respondent Nos.3 and 4.

8. Accordingly, this Court finds it just and reasonable to hold that respondent Nos.1 and 2 are jointly and severally liable to pay the compensation. Respondent No.2 is directed to deposit a sum of Rs.7,70,040/- with interest at the rate of 6% per annum from the date of the petition till realization.

9. It is stated that petitioner No.1 is the daughter-in-law of the deceased and the petitioner Nos.2 to 5 are grandchildren of the deceased. Therefore, on such deposit, the petitioners are permitted to withdraw the entire amount as per the apportionment made by the Tribunal.



NC: 2026:KHC:12030
MFA No. 3236 of 2016

10. The 50% of the compensation amount deposited by Respondent No.4/United India Insurance Co. Ltd., shall be refunded to it.

11. Accordingly, the appeal is ***allowed***.

Sd/-
(P SREE SUDHA)
JUDGE

SMC
List No.: 1 Sl No.: 65