



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.4510 OF 2020(MV-D)

BETWEEN:

THE MANAGER,
SHRIRAM GENERAL INSURANCE COMPANY LTD.,
NO.5/5, 3RD FLOOR, MONARK CHURCH,
INFANTRY ROAD, BANGALORE
NOW REP. BY ITS, THE MANAGER,
SHRIRAM GIC LTD.,NO.4/5, 3RD FLOOR,
S.V.ARCADE, BILEKAHALLI MAIN ROAD,
OPP. TO BANNEGHATTA ROAD,
IIM POST, BANGALORE – 560 076.

...APPELLANT

(BY SRI. SANTHOSH KUMAR, ADVOCATE FOR
SRI.PRADEEP B., ADVOCATE)

AND:

1. SHANTHAMMA,
W/O.LATE NAGARAJU,
AGED ABOUT 47YEARS,
SOWDENAHALLI VILLAGE,
R/AT CHATRANAHALLI VILLAGE,
DUDDA HOBLI,
MANDYA TALUK AND DISTRICT.
2. PUTTALINGAIAH,
S/O. CHANNAIAH,
R/AT D.NO.287,
B.HATNA VILLAGE,
DUDDA HOBLI, MANDYA TQ.





3. THE BRANCH MANAGER,
MAGMA HDI GIC LTD,
2ND FLOOR, MOHARCH CHAMBERS,
NO.40, 2ND LANE, GKC GARDEN,
4TH FLOOR, MISSION ROAD,
LALBAGH, BANGALORE.
4. KRISHNA,
S/O MARIDASIAH DEAD BY LRS
MAJOR, R/A THULIKER KOPPALU VILLAGE,
DUDDA HOBLI, MANDYA TQ.
5. SHANTHAMMA,
W/O LATE KRISHNA,
AGED ABOUT 37 YEARS,
6. MASTER. GAGANKUMAR
S/O LATE KRISHNA,
AGED ABOUT 13 YEARS,
7. MASTER. JEEVANKUMAR,
S/O LATE KRISHNA,
AGED ABOUT 11 YEARS,

SINCE RESPONDENT NO. 5 & 6
ARE MINORS, WILL BE
REPRESENTED BY THE
NATURAL GUARDIAN AND
MOTHER I.E., RESPONDENT NO. 4.

8. SAKAMMA,
W/O LATE NAGARAJU,
AGED ABOUT 42 YEARS,
R/AT SOWDENAHALLI VILLAGE,
DUDDA HOBLI,
MANDYA TQ AND DISTRICT.

...RESPONDENTS

(BY SRI. RAJA L., ADVOCATE FOR R1,
VIDE ORDER DATED 06.08.2025, NOTICE TO R2
IS HELD SUFFICIENT,



SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R3,
R4 SERVED AND UNREPRESENTED,
R5 & R6 ARE MINORS REPRESENTED BY R4,
VIDE ORDER DATED 17.04.2025 NOTICE TO R7
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:11.03.2020,
PASSED IN MVC NO.128/2018, ON THE FILE OF THE I-
ADDITIONAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL
MAGISTRATE, MANDYA, AWARDING COMPENSATION OF
RS.10,48,140/- WITH INTEREST AT THE RATE OF 8 PERCENT
P.A., FROM THE DATE OF PETITION TILL THE DEPOSIT OF THE
AMOUNT.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

The Insurer is in appeal, calling in question the
judgment and award dated 11.03.2020 in
MVC.No.128/2018 passed by the I Additional Senior Civil
Judge and CJM, Mandya, ('Tribunal' for short). This appeal
is on the ground of liability i.e., fastening 50% liability on
the Insurer.



2. The parties are referred to as per their rankings before the Tribunal.

3. Heard Sri.Santhosh Kumar, learned counsel appearing on behalf of Sri.Pradeep.B, learned counsel for the appellant, Sri.Raja.L, learned counsel appearing for respondent No.1, Sri.B.C.Shivanne Gowda, learned counsel appearing for respondent No.3. Respondent No.4 though served, remain unrepresented. Respondent Nos.5 and 6 are minors represented by respondent No.4. Vide order dated 17.04.2025, notice to respondent No.7 is dispensed with. Vide order dated 06.08.2025, notice to respondent No.2 is held sufficient.

4. Sri.Santhosh Kumar, on short point argued that in a connected matter i.e., in MVC.No.649/2018, the entire liability has been admitted by the Insurer of another vehicle i.e., Magma, HDI General Insurance Company Limited i.e., insurer of the tractor and satisfied the compensation as per the Lok-Adalat order.



5. Sri.B.C.Shivanne Gowda., learned counsel who is present in the Court is not disputing the fact that the claim before the Lok-Adalat has been settled by the Insurer – Magma, HDI General Insurance Company Limited in MVC.No.649/2018, accepting the entire liability. In view of the same, the appeal filed by the Insurer is allowed.

6. The judgment and award passed by the Tribunal is modified, thereby setting aside liability of 50% fastened on the Insurer.

7. The entire liability is fastened on the respondent No.3 Insurer i.e., insurer of Tractor.

8. For the aforesaid reasons, this Court proceeds to pass the following:

ORDER

- i) Appeal is ***allowed***.
- ii) The judgment and decree dated 11.03.2020 in MVC.No.128/2018 passed by the I



Additional Senior Civil Judge and CJM,
Mandya, with respect to 50% liability on the
appellant-insurer is set aside.

- iii) The respondent No.3-Insurer is made liable
to pay entire compensation.
- iv) The amount in deposit by the appellant -
Insurer be remitted through digital payment
to the appellant on proper identification.
- v) The respondent No.3-insurer shall deposit
the liability fastened on the appellant-insurer
along with interest awarded by the Tribunal
within six weeks from the date of receipt of
copy of this order.
- vi) Upon deposit, the amount shall be released
as per the apportionment order.

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 17
ct-vn