



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL NO. 6501 OF 2017 (MV-I)

BETWEEN:

THE REGIONAL MANAGER
UNITED INDIA INSURANCE CO. LTD.,
REGIONAL OFFICE,
NO.5 & 6TH FLOOR, KRISHI BHAVAN
NRUPATHUNGA ROAD
BENGALURU-560 001

...APPELLANT

(BY SRI. A.N.KRISHNA SWAMY, ADVOCATE)

AND:

1. SRI. RAMAKRISHNA M.,
S/O MUNIRAMAIAH
R/AT VENKATAPURA VILLAGE
ST.JOHN MEDICAL COLLEGE
BENGALURU-34
2. SRI B.NAGARAJ GOWDA
S/O BADRE GOWDA
R/AT POLICE CONSTABLE COLONY
KSRP, KORAMANGALA
BENGALURU-34

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE FOR C/R1
V/O/D 27/03/2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:12.04.2017 PASSED IN MVC
NO.1880/2015 ON THE FILE OF THE 15TH ADDITIONAL SMALL
CAUSES JUDGE & 23RD ACMM, BENGALURU, AWARDING





COMPENSATION OF RS.2,11,700/- WITH INTEREST AT 8% P.A.
FROM THE DATE OF PETITION TILL ITS REALIZATION.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL JUDGMENT

Aggrieved by the award passed in MVC.No.1880/2015
dated 12.04.2017 by the XV Addl. Small Causes Judge & XXIII
ACMM & MACT, Bengaluru whereby the Tribunal has fixed a
liability on the insurance company and granted compensation
to the claimant.

2. The tribunal has granted the compensation as per the
table given below:

SL. No.	Heads		Compensation Awarded	
1.	Pain and Suffering	:	Rs.	30,000/-
2.	Medical Expenses	:	Rs.	46,526/-
3.	Nutrition and Attendant charges	:	Rs.	10,000/-
4.	Loss future earning capacity	:	Rs.	67,200/-
5.	Loss of earning during laid up period	:	Rs.	18,000/-
6.	Loss of amenities	:	Rs.	25,000/-
7.	Future medical expenses	:	Rs.	15,000/-
	TOTAL	:	Rs.	2,11,726/-



3. Learned counsel appearing for the insurance company submits that as on the day of the accident dated 27.03.2015 registration certificate of the offending vehicle was not renewed & there is no fitness certificate to the offending vehicle. When there is no fitness certificate which amounts to breach of the terms and conditions of the policy and the insurance company is not liable to pay the compensation.

4. Learned counsel appearing for the claimant had relied on the judgment passed by the co-ordinate bench of this court in the case of ***Shri Rangappa @ Rangappa Shetty Vs. Sri Jayaramaiah and another***¹ submits that it is the responsibility of the insurance company to see whether there is a fitness certificate before issuing/renewing the insurance policy, should verify whether the vehicle has possessed all the necessary certificates including the fitness certificate. It is not open for the insurance company to say that they are not liable to pay the compensation as there is no fitness certificate to the vehicle. In response to that learned counsel for the insurance company submits that in the very same judgment it is observed

¹ ILR 2014 KAR 191



that still the Court has directed the insurance company to pay and recover the same from the owner of the vehicle.

5. Having heard the learned counsels on either side, perused the entire material on record. It is the admitted fact that there is no fitness certificate to the vehicle and also even in those circumstances the principle of pay and recover will apply. This court is of the view that the insurance company shall pay the compensation amount and recover the same from the owner of the vehicle.

- i. Accordingly, appeal filed by the Insurance company is **Partly Allowed** by applying the principle of pay and recovery. The Insurance company shall pay the compensation amount and recover the same from the owner of the vehicle.
- ii. Any excess amount deposited, the insurance company is at liberty to withdraw.
- iii. The amount in deposit shall be forthwith transferred to the tribunal.



- iv. Registry is directed to return the Trial Court Records to the Tribunal, along with certified copy of the order passed by this Court forthwith without any delay.
- v. No costs.
- vi. Pending miscellaneous petitions, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 35