



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. 8058 OF 2016 (MV-I)

BETWEEN:

THE BRANCH MANAGER
NATIONAL INSURANCE CO. LTD.,
NO.1574, 1ST FLOOR
V.V.ROAD, MANDYA
REPRESENTED BY
THE ASSISTANT MANAGER
NATIONAL INSURANCE CO. LTD.,
REGIONAL OFFICE
NO.144, 1ST FLOOR
SHUBHARAM COMPLEX
M.G.ROAD
BANGALORE-560 001

...APPELLANT

(BY SMT. MANJULA N TEJASWI, ADVOCATE)

AND:

1. VIKASGOWDA
S/O DEVEGOWDA
AGED ABOUT 13 YEARS
SINCE MINOR REPRESENTED BY HIS



NATURAL GUARDIAN FATHER
DEVEGOWDA
S/O NATHEGOWDA
AGED ABOUT 41 YEARS
R/O 308, HEMMIGE VILLAGE
MANDYA TALUK
MANDYA DISTRICT-571 401

2. PUTTASWAMY
S/O LATE BASAVIAIAH
R/O JAYAPURA VILLAGE
DUDDA HOBLI
MANDYA TALUK
MANDYA DISTRICT-571 401
(OWNER OF TRACTOR & TRAILER
BEARING REG NO.KA-11/T-5211-5212)

...RESPONDENTS

(BY SRI.H.SUBHASH CHANDRA, ADVOCATE FOR R1
SRI.M.Y.SREENIVASAN, ADVOCATE FOR R2)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 26/08/2016 PASSED IN MVC
NO.272/2010 ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND CJM, MANDYA, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, 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.272/2010 dated 26.08.2016 by the I Addl. Senior Civil Judge & CJM, Mandya, whereby the tribunal has fixed the liability on the Insurance Company and Insurance company is before this court questioning the liability fixed on them.

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

SL. No.	Heads		Compensation Awarded	
1.	Pain and Suffering	:	Rs.	1,00,000/-
2.	Medical Expenses	:	Rs.	50,000/-
3.	Future medical Expenses	:	Rs.	50,000/-
4.	Loss of future amenities	:	Rs.	25,000/-
5.	Medical Attendant	:	Rs.	2,000/-
6.	Conveyance	:	Rs.	5,000/-
	TOTAL	:	Rs.	2,32,000/-

3. Learned counsel for the insurance company submits that the driver of the tractor and trailer is having the driving license to drive only LMV tractor and there is no endorsement to drive the non-transportable vehicle. At the time of the accident, the driver was driving the tractor and trailer and he



was not having valid and effective driving license. The appellant does not dispute the fact that the weight of the vehicle is less than 7,500 kgs as per Exhibit R.1 and R.2.

4. In the light of the above facts, this case is clearly covered by the judgment of the Hon'ble Apex Court in the case of ***Mukund Devgan Vs. Oriental Insurance Company Ltd.,***¹. In that view of the matter, the insurance company's appeal has to be dismissed.

- i. Accordingly, the appeal filed by the Insurance Company is ***dismissed***.
- ii. The amount in deposit shall be forthwith transferred to the tribunal.
- iii. The remaining amount, if any, shall be deposited within 8 weeks.
- 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.

¹ AIR 2017 SC 3668



NC: 2026:KHC:17659
MFA No. 8058 of 2016

- v. No costs.
- vi. Pending miscellaneous petitions, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 31