



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. 173 OF 2017 (MV-
I)

BETWEEN:

SRI. H.J. SANNAPPA
S/O JAYARAMAIAH
AGED ABOUT 40 YEARS
R/O HOYSALA KATTE VILLAGE
HULIYAR HOBLI
CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT - 573 638

...APPELLANT

(BY SRI. MURALI BABU M., ADVOCATE)

AND:

1. THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE CO LTD
BRANCH OFFICE
MAGANUR COMMERCIAL COMPLEX
B D ROAD, CHITRADURGA - 573 721



2. SRI VISHWANATH
S/O REVANNA SIDDAPPA
AGED ABOUT 24 YEARS
OCC:FISHERMAN
R/O JADEGONDANAHALLI VILLAGE
HIRIYUR TALUK
CHITRADURGA DISTRICT - 573 721

...RESPONDENTS

(BY SRI. ASHOK N PATIL FOR R1, ADVOCATE

VIDE ORDER DATED 20.06.2023,

NOTICE TO R2 BY STATUTORY SERVICE IS ACCEPTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 19.09.2016 PASSED IN
MVC NO.190/13 ON THE FILE OF THE SENIOR CIVIL JUDGE
& ADDITIONAL MACT, JMFC, HIRIYUR, AWARDING
COMPENSATION OF RS.1,18,512/- WITH INTEREST AT 7.5%
P.A. FROM THE DATE OF PETITION TILL RELIZATION.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL JUDGMENT

Aggrieved by the judgment and award passed in MVC No.190/2013 dated 19.09.2016 by the Senior Civil Judge and JFMC., Hiriur, the appellant/respondent No.1 is before this Court seeking to set aside the said judgment and award and also questioning the liability fastened upon the owner of the vehicle by the Tribunal.

2. Learned counsel appearing for the appellant submits that respondent No.1 was having a driving licence to drive an LMV (non-transport) car valid from 18.07.2007 to 13.05.2026 and a licence to drive a transport vehicle valid from 12.06.2013 to 11.06.2030. It is therefore contended that, as on the date of the accident, he was not having a valid driving licence to drive a transport vehicle. The court has fixed the liability on the owner of the vehicle..

3. Learned counsel appearing for the appellant submits that, in the light of the law laid down in ***Mukund***



Dewangan v. Oriental Insurance Company¹, the Insurance Company is liable to pay the compensation.

4. Learned counsel appearing for respondent No. 2– Insurance Company submits that, in connected matters arising out of the same accident, i.e., MFA No. 5442/2017 decided on 09.01.2023, a Co-ordinate Bench of this Court has already fixed the liability on the Insurance Company and allowed the appeal.

5. Having heard the learned counsel on either side, perused the materials on record. The above aspect is covered by the judgment of the Hon'ble Apex Court in ***Mukund Dewangan's*** case referred supra and the Insurance Company is liable to pay the compensation.

6. Accordingly, the appeal filed by the claimant is ***allowed*** and the liability is fixed on the Insurance Company.

- i. The respondent–Insurance Company shall deposit a sum of **Rs.1,18,512/-** with interest at 6% per annum within a period of eight weeks from the date of

¹ AIR 2017 SC 3668



receipt of a copy of the judgment. On such deposit, the claimant is entitled to withdraw the entire amount without furnishing any security.

- ii. 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.
- iii. The appellant being the owner of the vehicle has deposited the amount of Rs.59,300/- before this Court and he is at liberty to withdraw the same.
- iv. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 3