

**MFA NO. 100068/2026 (MV - D)**

**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

[THE DIVISIONAL MANAGER VS. SMT NILAVVA W/O  
MALAKAJGOUDA GADAG AND OTHERS]

24.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE B.M.SHYAM PRASAD

and

HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

**ORAL ORDER**

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

Sri G. N. Raichur, the learned counsel for the appellant, is heard on the ad-interim order. The learned counsel submits that the appellant-insurer's grievance with the Tribunal's impugned judgment and award dated 27.10.2025 in MVC No.214 of 2021 is because the Tribunal has overlooked the evidence on record in fastening the liability on the appellant; and in this regard, the learned counsel submits that the driver/ rider of the insured vehicle was under the influence of alcohol and this has contributed to the accident.

The learned counsel submits that if a person riding the insured vehicle was under the influence of alcohol, this would be a reason to repudiate the liability as there would be a breach of the policy conditions.

In consideration of these submissions, the interim order is granted staying the operation of the impugned judgment and award dated 27.10.2025 in MVC No. 214 of 2021 subject to the following conditions.

- [i]** The Insurer-appellant shall deposit 50% of the award amount with interest with the Tribunal within Eight [8] weeks from today.
- [ii]** The Tribunal is directed to invest this deposited amount with a nationalized bank with auto-renewal instructions.

There shall be notice returnable by **30.06.2026** to the respondents, and the Office is directed to secure the TCR by the next date of hearing.

**(B.M.SHYAM PRASAD)**  
**JUDGE**

**(SHIVASHANKAR AMARANAVAR)**  
**JUDGE**

Vnp  
List No.: 2 Sl No.: 12