



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 25TH DAY OF FEBRUARY, 2026**

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

MISCELLANEOUS FIRST APPEAL NO. 100951 OF 2025 (MV-D)
C/W
MISCELLANEOUS FIRST APPEAL NO. 104093 OF 2025 (MV-D)

IN MFA NO. 100951 OF 2025:
BETWEEN:

ICICI LOMBARD GENERAL INSURANCE CO. LTD.,
THROUGH ITS LEGAL CLAIMS MANAGER,
NIBHAYE VAADE, BRANCH MANAGER,
1ST FLOOR, BELLAD AND HERO HONDA SHOW ROOM,
BANNIGIDA STOP, GOKUL ROAD, HUBBALLI,
BY ITS AUTHORIZED SIGNATORY.

... APPELLANT

(BY SRI RAVINDRA R. MANE, ADVOCATE)

AND:

1. KUMARI CHINMAI D/O LATE SANTOSH KUMAR,
AGED ABOUT 16 YEARS, OCC. STUDENT,
R/O. 3RD MAIN, 10TH CROSS, YALLAMMA NAGAR,
DAVANAGERE, NOW AT: FOR STUDIES,
ANUPAMA ENGLISH SCHOOL HOSTEL,
BENGALURU-560 086,
(THE RESPONDENT NO.1 BEING A MINOR
R/BY HER GUARDIAN, GRAND MOTHER,
RESPONDENT NO.2 HEREIN).
2. G. MANJAMMA @ MANJULAMMA
W/O LATE GANESHAPPA,





NC: 2026:KHC-D:3036-DB
MFA No. 100951 of 2025
C/W MFA No. 104093 of 2025

AGED ABOUT 58 YEARS, OCC. RETIRED,
ARTIST AND DRAMA COMPANY ARTIST AND DANCER,
R/O. 3RD MAIN, 10TH CROSS,
YALLAMMA NAGAR,
DIST. DAVANAGERE-577 006.

3. RAHUL S/O RAMESH HACHOTE,
AGE. MAJOR, OCC. BUSINESS,
R/O, SANIKA ENTERPRISES, 1ST FLOOR,
ABOVE ROHAN MOTORS, SHAHPETE,
VIJAYAPURA-586 101,
(OWNER OF CAR BEARING NO.KA-28/P-2631).

... RESPONDENTS

(BY SRI ANJANEYA M., ADVOCATE FOR R1 AND R2;
NOTICE ISSUED TO R3 IS SERVED, BUT UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR
VEHICLES ACT, 1988, PRAYING TO ALLOW THE APPEAL AND SET
ASIDE THE JUDGMENT AND AWARD DATED 14.11.2024 PASSED IN
MVC NO.979/2022 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL,
RANEBENNUR, AND ETC.

IN MFA NO. 104093 OF 2025:
BETWEEN:

1. KUMARI CHINMAI D/O LATE SANTOSH KUMAR,
AGE. 16 YEARS, OCC. STUDENT, R/O. 3RD MAIN,
10TH CROSS, YALLAMMA NAGAR,
DAVANAGERE, NOW AT FOR STUDIES,
ANUPAMA ENGLISH SCHOOL HOSTEL,
BENGALURU (KUMARI CHINMAI R/BY G. MANJAMMA).
2. G. MANJAMMA @ MANJULAMMA
W/O LATE GANESHAPPA,
AGE. 58 YEARS, OCC. RETIRED ARTIST AND



NC: 2026:KHC-D:3036-DB
MFA No. 100951 of 2025
C/W MFA No. 104093 of 2025

DRAMA COMPANY ARTIST AND DANCER,
R/O. 3RD MAIN, 10TH CROSS, YALLAMMANAGAR,
DIST: DAVANAGERE-577 101.

... APPELLANTS

(BY SRI ANJANEYA M., ADVOCATE)

AND:

1. SRI RAHUL S/O RAMESH HACHOTE,
AGE. MAJOR, OCC. BUSINESS,
R/O. SANIKA ENTERPRISES, 1ST FLOOR,
ROHAN MOTER, SHAPETE, VIJAYAPURA-586 104.
2. THE LEGAL CLAIMS MANAGER,
ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.,
NIBHAYE VAADE, BRANCH MANAGER,
1ST FLOOR BELLAD AND HERO HONDA SHOW ROOM,
BANNIGIDA STOP, GOKUL ROAD, HUBBALLI-580 029.

... RESPONDENTS

(BY SRI RAVINDRA R. MANE, ADVOCATE FOR R2;
SERVICE OF NOTICE TO R1 IS HELD SUFFICIENT)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO CALL FOR THE RECORDS, HEAR THE PARTIES AND MODIFY THE JUDGMENT AND AWARD DATED 14.11.2024 PASSED IN MVC NO.979/2022 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, RANEBENNUR, BY ALLOWING THIS APPEAL WITH COST, IN THE ENDS OF JUSTICE AND EQUITY.

THESE APPEALS ARE COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN
AND
HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the judgment and award dated 14th November 2024 passed in MVC No.979 of 2022 by the Addl. Senior Civil Judge and Addl. MACT, Ranebennur (for short, "the Tribunal"), the second respondent - Insurance Company therein has preferred an appeal in MFA No.100951 of 2025 and the claimants therein have preferred an appeal in MFA No.104093 of 2025.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. On 27.03.2022, the deceased, Smt. Geeta was traveling with fellow artists in a car bearing registration No.KA-28/P-2631. At about 03:50 p.m., near Kakol Village on Ranebennur bypass road, the driver of the car drove the same in a rash and negligent manner and dashed against rear portion of the moving lorry, thereby causing the accident. As a result, Smt. Geeta succumbed to the injuries sustained in the accident. The car was insured with the second respondent - Insurance Company.



4. The first petitioner, being the daughter of the deceased, and the second petitioner, being the mother of the deceased, filed MVC No.979 of 2022.

5. In order to prove their case, the petitioners examined two witnesses as PW1 and PW2 and produced documents as Exhibits P1 to P20.

6. Though the first respondent filed his objections, he did not lead any evidence.

7. The second respondent - Insurance Company examined one witness as RW1 and produced documents as Exhibits R1 and R2.

8. Based on the pleadings and the evidence on record, the Tribunal framed the following issues and passed the following order:

"ISSUES

1. *Whether the petitioners prove that, deceased Smt. GeetaD/o.Ganeshappa G., died due to the injuries sustained by her in road traffic accident that occurred on 27.03.2022 at about 3:50 hours, near Kakol village on NH 48 road, due to the rash and negligent driving of the driver of Car bearing Reg. No.KA-28/P-2631 while she was proceeding in the car as an inmate?*



2. *Whether the respondent No.1 proves that the petitioners have filed another petition in MVC No.2055/2022 before Addl., Small Cause Court, Bangalore for the same cause of action?*
3. *Whether the respondent No.2 proves its discharge from the liability for the grounds urged in their objection statement?*
4. *Whether the petitioners are entitled for compensation, if so, how much and from whom and what rate of interest?*
5. *What order or award?*

ORDER

The petition filed by the petitioners U/s.166 of Motor Vehicles Act, 1988, is partly allowed with costs.

The petitioners are entitled to the compensation of ₹31,45,000/-. (Rupees Thirty One Lakh Forty Five Thousand only) together with the interest @ 9% per annum from the date of petition to till its realization.

The respondent No.2 is liable to pay and directed to deposit compensation amount within a period of one month from the date of award.

The petitioners No.1 and 2 are entitled to 50% each in the award amount.

The petitioner No.2 is entitled to withdraw 75% of her share and remaining 25% of her share shall be deposited in her name in any Nationalized bank for a period of 3 years.

Entire share of petitioner No.1, in the award amount, shall be deposited in her name in any Nationalized Bank till she attains the age of majority.

Petitioner No.2 is at liberty to withdraw the periodical interest on the deposits.

Advocate fee is fixed at 1,000/-.

Draw award accordingly."



9. Not satisfied with the award, both the Insurance Company as well as the petitioners have preferred these appeals.

10. The case of the Insurance Company is that the compensation awarded by the Tribunal is excessive. However, the Insurance Company admits that the car was duly insured with it.

11. The case of the Insurance Company is that Respondent no.1 had left the car to be sold by M/s.Mandovi Motors and they in turn had already collected the sale consideration from the deceased and only thing that was remaining which required completion of the entire sale transaction was issuance of registration certificate. However, the Insurance Company does not dispute the fact that as on the date of the accident, the car was insured by the Insurance Company. It is contented by them the policy of the insurance differs insofar as it relates to liability towards the 3rd party traveling in the car and the owner himself traveling in the said car. It is submitted that as the deceased was the owner regular



compensation that is paid towards the death of a third person cannot be awarded.

12. *Per Contra*, learned counsel for the petitioners submits that the sale transaction is not yet completed. It is submitted that for completion of the sale transaction, change of name in the Registration Certificate of the car is essential. Reliance is also placed on the provisions of Section 2(30) of Motor Vehicles Act, 1988 and the judgment of the Hon'ble Apex Court in the case of **Naveen Kumar v. Vijay Kumar and Others**, reported in AIR (2018) 3 SCC 1.

13. Under the circumstances, the question that arises for consideration is, who is the owner of the vehicle as on the date of accident and also whether the compensation awarded by the Tribunal is in accordance with law or not?

14. With regard to ownership, Section 2(30) of Motor Vehicles Act, 1988 reads as under

"2. **Definitions.**- In this Act, unless the context otherwise requires,-

(30) "owner" means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation



to a motor vehicle which is the subject of a hire-purchase agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;"

15. In ***Naveen Kumar vs Vijay Kumar's*** case (*supra*), in paragraph Nos.1, 13 and 14 reads as under:

"1. An accident took place at about 7.30 p.m. on 27-5-2009 when Smt Jai Devi and her nephew Nitin were walking down a street in their village. A motor vehicle driven by Rakesh in the reverse gear hit them. Nitin was run over by the rear wheel of the car and died on the spot. Smt Jai Devi received multiple injuries. Two claim petitions were filed before the Motor Accident Claims Tribunal ("the Tribunal"). One of them was by Smt Jai Devi. The second was by Somvir and Smt Saroj, the parents of Nitin. The vehicle involved in the accident (a Maruti 800 bearing Registration DL 3CC 3684) was registered in the name of Vijay Kumar, the first respondent. According to the first respondent, he had sold the vehicle to the second respondent on 12-7-2007 prior to the accident and had handed over possession of the vehicle together with relevant documents including the registration certificate, and Forms 29 and 30 for transfer of the vehicle. The second respondent stated before the Tribunal that he sold the vehicle to the third respondent on 18-9-2008. The third respondent in turn claimed before the Tribunal to have sold the vehicle to the petitioner. The petitioner, in the course of his



written statement claimed that he had sold the vehicle to Meer Singh. The succession of transfers was put forth as a defence to the claim.

13. The consistent thread of reasoning which emerges from the above decisions is that in view of the definition of the expression "owner" in Section 2(30), it is the person in whose name the motor vehicle stands registered who, for the purposes of the Act, would be treated as the "owner". However, where a person is a minor, the guardian of the minor would be treated as the owner. Where a motor vehicle is subject to an agreement of hire purchase, lease or hypothecation, the person in possession of the vehicle under that agreement is treated as the owner. In a situation such as the present where the registered owner has purported to transfer the vehicle but continues to be reflected in the records of the Registering Authority as the owner of the vehicle, he would not stand absolved of liability. Parliament has consciously introduced the definition of the expression "owner" in Section 2(30), making a departure from the provisions of Section 2(19) in the earlier 1939 Act. The principle underlying the provisions of Section 2(30) is that the victim of a motor accident or, in the case of a death, the legal heirs of the deceased victim should not be left in a state of uncertainty. A claimant for compensation ought not to be burdened with following a trail of successive transfers, which are not registered with the Registering Authority. To hold otherwise would be to defeat the salutary object and purpose of the Act. Hence, the



interpretation to be placed must facilitate the fulfilment of the object of the law. In the present case, the first respondent was the "owner" of the vehicle involved in the accident within the meaning of Section 2(30). The liability to pay compensation stands fastened upon him. Admittedly, the vehicle was uninsured. The High Court has proceeded upon a misconstruction of the judgments of this Court in Reshma and Purnya Kala Devi.

14. The submission of the petitioner is that a failure to intimate the transfer will only result in a fine under Section 50(3) but will not invalidate the transfer of the vehicle. In T.V. Jose, this Court observed that there can be transfer of title by payment of consideration and delivery of the car. But for the purposes of the Act, the person whose name is reflected in the records of the Registering Authority is the owner. The owner within the meaning of Section 2(30) is liable to compensate. The mandate of the law must be fulfilled."

16. Thus, for the purposes of the Motor Vehicles Act, 1988, a person in whose name a vehicle is registered continues to be the owner till his name is replaced in the RC book. In the present case, respondent No.1 has to be considered as the owner of the car as on the date of accident. In respect to the amount awarded towards loss of dependency, loss of estate, funeral expenses and loss of consortium, though various contentions are taken up by the counsel for the petitioners and



the Insurance Company, in the course of the arguments they candidly admit that the decision arrived by the Tribunal is correct. We are in agreement with the same.

17. Under the circumstances, the total compensation of ₹31,45,000/- awarded by the Tribunal, in our opinion is just, fair and proper. However, the interest of 9% awarded by the Tribunal is on the higher side and the same is required to be reduced to 6% per annum. Hence, the following:

ORDER

- (i) The appeal filed by the Insurer in MFA No.100951/2025 is disposed of and appeal filed by the petitioners in MFA No.104093/2025 is dismissed.
- (ii) Respondent No.2/Insurance Company is held liable to pay a sum of ₹31,45,000/- to the petitioners within a period of 6 weeks from today along with interest at the rate of 6% per annum from the date of petition before the Tribunal, till its realization.
- (iii) The amount in deposit shall stand transferred to the Tribunal for disbursal.



NC: 2026:KHC-D:3036-DB
MFA No. 100951 of 2025
C/W MFA No. 104093 of 2025

(iv) The petitioners shall be entitled to receive the compensation amount on the terms and in proportion as determined by the Tribunal.

Sd/-
(M.I.ARUN)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE

CKK
CT:BCK
LIST NO.: 2