

MFA NO. 100668/2026 (MV - I)

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
[UNITED INDIA INSURANCE COMPANY LTD., VS. SHRI.
SHAKEEL AHEMAD S/O ABDUL WAHEED ATTAR AND
ANOTHER]

25.03.2026

(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 Arani Rajshekhar S., the learned Counsel for the
appellant, is heard on the grant of an interim order.

Digitally signed
by RAKESH S
HARIHAR
Location: High
Court of
Karnataka,
Dharwad Bench

The respondent-claimant has lost movement in his
lower limbs and bowel movement and he is confined to a
wheelchair because of the injuries suffered in a road
accident in the year 2007. This is the second round of
litigation. In the first round, in M.F.A. No.102655/2014, this
Court, interfering with the Tribunal's award, has restored
the claim petition for reconsideration on terms. It is after
this remand, the Tribunal has awarded to the respondent-
claimant a total sum of Rs.17,16,000/- along with interest

at 6% per annum. This Court in its Order in M.F.A. No.102655/2014 is categorical in concluding that the respondent-claimant has established the accident involving the Insured Vehicle [a truck], but has observed that the Tribunal could reconsider the request of insurer-appellant's liability.

Sri Arani Rajashekhar argues that there is a doubt about the involvement of the insured vehicle because the claimant-respondent relies upon IMV report which is of the year 2006, but this Court is not persuaded to interfere on this ground, even at this stage, because of this Court's categorical and unequivocal finding in the Order dated 25.03.2024 in M.F.A. No.102655/2014.

Sri Arani Rajashekhar next contends that the appellant is able to demonstrate that the driver of the insured vehicle, at the time of the accident, did not hold a valid licence as on the date of the accident and that the vehicle did not have a permit and therefore the Tribunal could not have fastened the liability on the appellant-insurer. This Court has carefully considered these

submissions as well. The accident is when the respondent-claimant was travelling on a bicycle and he would, in such situation, be a third party. Even if the insurer demonstrates both grounds as now asserted, it cannot deny the liability to pay and recover.

In the light of this opinion, and because the respondent-claimant has been confined to a wheelchair without bowel movement for almost two decades, this Court is persuaded to opine that the appellant-insurer must deposit the entire compensation amount with interest at 6% as awarded by the Tribunal with liberty to the respondent-claimant to seek withdrawal of 50% of the amount in deposit. Hence the following order.

[a] There shall be stay of operation of the impugned order and award dated 01.12.2025 in M.V.C. No.312/2008, on the file of the I Additional Civil Judge and CJM and Additional Motor Accident Claims Tribunal, Belagavi subject to appellant-insurer depositing the entire award amount along with interest with the Tribunal within a period of eight weeks.

[b] On deposit of the amount, as aforesaid, the respondent/claimant is permitted to withdraw 50% of the amount in deposit by making an appropriate application before the Tribunal, and the Tribunal shall invest the remaining 50% of the amount in any Nationalised Bank with instructions for auto-renewal.

There shall be notice returnable by **03.06.2026** to the respondents.

The Tribunal shall transmit its records once there is deposit, disbursement and investment as aforesaid.

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANNAVAR)
JUDGE

KMS
List No.: 2 Sl No.: 8