

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[UNITED INDIA INSURANCE COMPANY LTD., VS. SMT
KHATIJABI ALIYAS KHATIJA W/O DADAFIR ALIYAS
DADASAB NANEKHAN AND OTHERS]

27.03.2026

(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)

Ms. Asma, a learned counsel for the appellant/insurer, is heard on the grant of an *ad interim* order. The appellant/insurer is aggrieved by the order of the concerned Tribunal calling upon it to pay compensation of Rs.16,45,840/- with interest at 6% per annum in MVC No.145 of 2023. Ms. Asma submits that the accident is in the year 2022 after the amendment to the Motor Vehicles Act has come into effect, the claim petition is filed beyond six months from the date of the accident and in that event, the claim petition was not maintainable. The learned counsel also submits that even otherwise the Tribunal could

not have apportioned contributory negligence in the ratio of 30:70 between the deceased and the driver of the insured vehicle as charge sheet is filed against both of them.

In consideration of these submissions, and to ensure that there is no precipitation, the interim order is granted staying the operation and execution of the impugned judgment and award dated 14.11.2025 in MVC No.145/2023, on the file of the Senior Civil Judge and Additional MACT, Bailhongal subject to the following conditions.

[i] The appellant shall deposit 50% of the award amount [with interest] with the Tribunal within 8 weeks from today.

[ii] The Tribunal shall invest the amount of deposit with a nationalized bank with instructions for auto-renewal.

[iii] The respondents will be at liberty to file application for withdrawal of the amount.

The Tribunal is called upon to send its records once there is investment and deposit and there shall be notice returnable by **06.07.2026** to the respondents.

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANNAVAR)
JUDGE

KGK

List No.: 2 Sl No.: 11