



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 20TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

MISCELLANEOUS FIRST APPEAL NO. 100517 OF 2016 (MV-D)

BETWEEN:

1. CHANNADASARA RAMESH
S/O LATE PAKKIRAPPA, AGE: 32 YEARS,
2. SMT. MANJAMMA W/O CHANNADASARA
RAMESH, AGE: 29 YEARS,

BOTHE ARE R/O: 4TH WARD, BANDRI VILLAGE,
TQ: SANDUR, DIST: BALLARI-583101.

...APPELLANTS

(BY SRIYUTHS. Y. LAKSHMIKANT REDDY AND
SOUBHAGYA S. VAKKUND, ADVS)

AND:

1. NAVEEN S/O NAGAPPA
AGE: 28 YEARS, DRIVER OF THE TRAX
BEARING REGN. NO.KA-35/A-7199,
R/O: BANDRI VILALGE, TQ: SANDUR,
DIST: BALLARI-583101.
2. NAGANNA S/O THIPPANNA
SINCE DECEASED REP BY HIS LR'S.,
- 2a. ANNAPURNAMMA W/O LATE NAGANNA
AGE. 55 YEARS, R/O. BANDRI VILLAGE,
TQ. SANDUR, DIST. BALLARI-583101.
- 2b. NAVEEN S/O. LATE NAGANNA
AGE. 27 YEARS, R/O. BANDRI VILLAGE,
TQ. SANDUR, DIST. BALLARI-583101.
- 2c. SANTOSH S/O. LATE NAGANNA
AGE. 25 YEARS, R/O. BANDRI VILLAGE,
TQ. SANDUR, DIST. BALLARI-583101.
3. THE LEGAL MANAGER,
IFFCO-TOKYA GENERAL INSURANCE

MOHANKUMAR
B SHELAR



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MOHANKUMAR B
SHELAR
Date: 2025.08.30
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NC: 2025:KHC-D:10526
MFA No. 100517 of 2016

CO. LTD., "SRI SHANTHI TOWER",
5TH FLOOR, #141, 3RD MAIN, EAST OF
NGEF LAY OUT, KASTURI NAGAR,
BENGALURU-560043.

...RESPONDENTS

(BY SRI. RAVINDRA R. MANE, ADV FOR R3,
KUM. RANJITA G. ALAGAWADI, ADV FOR R2(A TO C),
NOTICE TO R1 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF MOTOR VEHICLES ACT,
AGAINST THE JUDGMENT & AWARD DATED:13.11.2015, PASSED IN
MVC.NO.1176/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE CUM
MEMBER, VI- MACT, KUDLIGI, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

This Appeal is filed by the petitioners challenging the
judgment and award dated 13.11.2015 passed in MVC
No.1176 of 2014 by the learned Senior Civil Judge and
Member, Motor Accident Claims Tribunal-VI at Kudligi (for
short, 'the Tribunal').



2. Brief facts, leading rise to the filing of this appeal are as follows:

On 11.06.2013 at about 8.15 a.m., while one Kumari Pakkiramma was playing in front of her house, a Trax bearing registration No.KA-35/A-7199, driven by the driver in a rash and negligent manner, dashed against the minor girl. As a result, she sustained grievous injuries and succumbed to the injuries at spot. The petitioners, being the parents of the deceased—Kumari Pakkiramma, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking a compensation.

3. The owner of the offending vehicle filed a statement of objections denying the averments made in the claim petition, and contended that the driver of the offending vehicle held a valid license as of the date of the accident. The driver of the offending vehicle adopted the objections filed by the owner. Both accordingly, prayed for dismissal of the claim petition.



4. Insurance Company filed a statement of objections admitting that the offending vehicle was insured with the company and denied other averments of the claim petition and contended that the driver did not possess a valid and effective driving licence as of the date of the accident. Hence, prays to dismiss the claim petition against the insurance company.

5. The Tribunal, based on the pleadings of the parties, framed the relevant issues.

6. The petitioners, to substantiate their case, petitioner No.1 was examined as PW-1, and marked 10 documents as Exhibits P1 to P10. The officials of the insurance company were examined as RW-1 and RW-2, and 2 documents were marked as Exhibits R1 and R2.

7. The Tribunal, after assessing the verbal and documentary evidence, allowed the claim petition in part vide judgment dated 13.11.2015, and awarded a compensation of Rs.5,00,000/- with interest at the rate of



6% per annum from the dated of the petition till its realization and it held that the owner and driver are liable to pay the compensation amount awarded by the Tribunal and ultimately, dismissed the claim petition against the insurance company.

8. The petitioners, aggrieved by the judgment and award passed by the Tribunal, filed this appeal.

9. Heard the arguments of the learned counsel for the petitioners, and the learned counsel for the insurance company.

10. The learned counsel for the petitioners filed a Memo along with the driving licence of the driver of the offending vehicle, which discloses that the driver of the offending vehicle possessed a valid and effective driving licence as of the date of the accident. She submits that the Tribunal has recorded a finding in paragraph No.16 that as of the date of the accident the driver did not possess a valid and effective driving licence. In view of the



production of the driving licence by the petitioners, she submits that the liability may be fastened jointly and severally on the owner, the driver and the insurance company. Hence, on these grounds, she prays to allow the appeal.

11. *Per contra*, the learned counsel for the insurance company submits that the driver of the offending vehicle did not possess a valid and effective driving licence as of the date of the accident, and the Tribunal was justified in dismissing the claim petition against the insurance company. Hence, on these grounds he prays to dismiss the appeal against the insurance company.

12. Perused the records and considered the submissions of the learned counsel for the parties.

13. The point that arises for consideration is regarding liability.



14. There is no dispute that Kumari Pakkiramamma met with an accident on 11.06.2013, and the accident occurred due to a rash and negligent driving by the driver of the Trax bearing registration No.KA-35/A-7199 and to establish that the accident occurred due to a rash and negligent driving by the driver of the offending vehicle, the petitioners have produced the charge sheet marked as Exhibit P3 which is against the Driver. Hence, the Tribunal was justified in recording a finding that the accident occurred due to a rash and negligent driving by the driver of the offending vehicle.

15. Insofar as the liability is concerned, though the insurance company has taken a specific defence in a statement of objections that the driver did not possess a valid and effective driving licence as of the date of the accident, the respondents before the Tribunal, have produced the driving licence marked as Exhibit R1, which discloses that the driver was possessing the valid and effective driving licence as of the date of the accident. The



said aspect was overlooked by the Tribunal, and it committed an error in recording the finding that the driver of the offending vehicle did not possess a valid and effective driving licence as of the date of the accident. The Tribunal committed an error in fastening the liability on the owner and driver of the offending vehicle.

16. Considering Exhibit R1, this Court is of the view that the driver of the offending vehicle possessed a valid and effective driving licence as of the date of accident and there is no breach of policy conditions. The insurance company is liable to indemnity the owner of the offending vehicle as the policy was in force as of the date of the accident.

17. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The Miscellaneous First Appeal is ***allowed-in-part;***



- ii. The impugned judgment and award dated 13.11.2015 passed in MVC No.1176 of 2014 by the learned Senior Civil Judge and Member, Additional Motor Accident Claims Tribunal-VI at Kudligi, is modified;
- iii. The respondents viz., the owner, driver, and insurance company are jointly and severally liable to pay the compensation amount with accrued interest awarded by the Tribunal;
- iv. The insurance company is directed to deposit the compensation amount with accrued interest within a period of eight weeks from the date of receipt of a copy of this judgment;
- v. Trial Court records and amount in deposit, if any, be transmitted to the Tribunal, forthwith.

In view of the disposal of the appeal, pending interlocutory application(s), if any, stand disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE