



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

MISCELLANEOUS FIRST APPEAL NO.102555 OF 2014 (MV-D)

BETWEEN:

THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
DIVISIONAL OFFICE,
JOSHI BUILDING, STATION ROAD, HUBLI.
REPRESENTED THROUGH
ITS UNITED INDIA INSURANCE CO. LTD.,
TP HUB HUBLI, BY ITS DEPUTY MANAGER.

...APPELLANT

(BY SRI NAGANGOUDA R. KUPPELUR, ADVOCATE)

AND:

1. SRI SIDDAYYA S/O KALLAYYA MALIMATH,
AGE: 39 YEARS, OCC: AGRICULTURE,
2. SMT. SAVITA W/O SIDDAYYA MULIMATH,
AGE: 34 YEARS, OCC: AGRICULTURE,

BOTH ARE R/O: GURUVINAHALLI VILLAGE,
TQ: KUNDGOL, DIST: DHARWAD.

3. NAGAPPA T. INGALAGI,
AGE: MAJOR, OCC: AGRICULTURE,
R/O: GURUVINAHALLI VILLAGE,
TQ: KUNDGOL, DIST: DHARWAD.
(OWNER OF THE TRACTOR-TRAILER
BEARING NO.KA-MYE-2031)

...RESPONDENTS

(BY SRI CHETAN T. LIMBIKAI, ADVOCATE FOR
SRI MOHAN A. LIMBIKAI, ADVOCATE FOR R1 AND R2;
SRI MAHESH WODEYAR, ADVOCATE FOR R3)



THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT 1988, AGAINST JUDGMENT AND AWARD DATED 19.04.2014, PASSED IN MVC.NO.49/2010 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT., HUBLI, AWARDED THE COMPENSATION OF RS.1,80,000/- WITH THE INTEREST AT THE RATE OF 6% P.A. FROM THE DATE OF PETITION TILL THE DATE OF REALIZATION & ETC.

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

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 19.04.2014 passed by I Additional Senior Civil Judge and Additional MACT, Hubballi¹ in MVC no.49/2010, this appeal is filed.

2. Sri NR Kupelur, learned counsel for appellant submitted that appeal was by Insurer challenging finding in impugned award on liability only. It was submitted that there was no dispute about occurrence of accident involving insured vehicle namely Tractor bearing no.MYE-2031 in which Ishwarayya aged 2 years, died on account of rash and negligent driving of tractor by its driver. The only ground urged by appellant-insurer was that as on date of accident, driver of tractor had driving license

¹ For short, 'Tribunal'



to drive tractor only. But accident occurred, when tractor was attached with trailer. Though, said ground was urged, Tribunal did not consider same in a proper perspective, and passed award against insurer. Therefore, prayed for allowing appeal and setting aside finding on liability.

3. Sri Chetan T. Limbikai, learned counsel for respondents no.1 and 2 and Sri Mahesh Wodeyar, learned counsel for respondent no.3 are opposed appeal.

4. On other hand, relying upon decision of Hon'ble Supreme Court in case of ***Surekha w/o. Rajendra Nakhate and Others v. Santosh s/o.Namdeo Jadhav and Others***, reported in ***(2021) 16 SCC 467***, and learned counsel for claimants sought to contend that compensation awarded being inadequate, could be enhanced even in insurer's appeal without claimants filing cross appeal.

5. Heard learned counsels, perused impugned judgment, award and record.

6. From above, since insurer is in appeal, point that would arise for consideration is,



"Whether finding of Tribunal on liability calls for interference?"

7. At outset, it is seen that accident occurred on 06.02.2010 and copies of Ex.R5 Driving License and Ex.R6 history sheet of Driving License, made available for perusal would indicate that driving licence was issued prior to amendment of 2001 and therefore, as per decision of Hon'ble Supreme Court in case of ***Mukund Dewangan v. Oriental Insurance Company Limited***, reported in ***AIR 2017 SC 3668***, driving license would authorize driver to drive any vehicle with gross vehicle weight upto 7500 kgs., which would cover vehicle in question. Therefore, point for consideration answered in negative.

8. Insofar as submission of learned counsel for respondent/ claimants for enhancement, perusal of decision relied upon would indicate that in an appeal by insurer on quantum, High Court had quantified compensation and found compensation entitled to was more than award and dismissed insurers appeal. Under such circumstances, Hon'ble Apex Court hold once assessed, claimant would be entitled for just



compensation. But instant appeal by insurer is on liability and there is no challenge either by insurer or by claimants on quantum. Therefore, decision relied would not be of assistance to claimants.

In view of above finding, appeal is dismissed.

Amount in deposit is ordered to be transferred to Tribunal for disbursal.

Balance amount to be deposited within 6 weeks.

On deposit, Tribunal is directed to release entire amount infavour of claimants.

Sd/-
(RAVI V.HOSMANI)
JUDGE

SMM-para 1 and 2
CKK-para 3 to till end
CT:VP/ LIST NO.: 1 SL NO.: 9