



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

REVIEW PETITION NO.200024 OF 2025

BETWEEN:

1. THE BRANCH MANAGER,
NEW INDIA ASSURANCE CO. LTD.,
HANAMSHETTY BUILDING,
GURUKUL ROAD, VIJAYAPURA-586 101.

PRESENTLY REPRESENTED BY ITS
THE DIVISIONAL MANAGER,
NEW INDIA ASSURANCE CO. LTD.,
DIVISIONAL OFFICE, KALABURAGI-585 102.

...PETITIONER

(BY SRI. SUDARSHAN M., ADVOCATE)

AND:

1. SHIVANAND
S/O RAMKRISHNA MANAKAR,
AGE: 61 YEARS, OCC: BUSINESS,
2. ARATI
W/O KISHOR BADAWE,
AGE: 33 YEARS,
OCC: HOUSEHOLD,
3. POOJA
W/O AJAY GHATE,
AGE: 30 YEARS,
OCC: HOUSEHOLD,





4. OMKARESHWAR
S/O SHIVANAND MANKAR,
AGE: 27 YEARS, OCC: COOLIE,

ALL ARE R/O BHAVASAR NAGAR,
OPP: DUDHA PANDRI DAIRY,
DURGA JAIL ROAD, VIJAYAPURA-586 103.
5. SHIVKUMAR
S/O NAGNATH HONRAO,
AGE: 45 YEARS, OCC: BUSINESS,
R/O FLAT NO.E-10, KAKADE TERRACE,
NDA ROAD, NEAR GANAPATI MATHA
WARJE MALAWADI, PUNE,
MAHARASHTRA STATE-411 058.
6. SIDDIVINAYAK
S/O YASWANTRAO CHANDRACHUD,
S.NO.34, FLAT NO.31, 3RD FLOOR,
INGALE EMPIRE,
NEAR BHAIKAVANATH MANDIR,
NARHE, PUNE,
MAHARASHTRA STATE-411 041.

...RESPONDENTS

(BY SRI. SANGANAGOUDA V. BIRADAR, ADVOCATE
FOR R1 TO R4)

THIS RP IS FILED UNDER ORDER XLVII RULE 1 R/W SEC.
114 OF CPC, PRAYING TO REVIEW AND RECALL THE
JUDGEMENT PASSED IN MFA NO.201901/2023 DATED
03.07.2024 BY THIS COURT; HEAR BOTH THE MFA
NOs.201901/2023 AND MFA NO.201913/2022 ON MERITS TO
MEET THE ENDS OF JUSTICE AND ETC.

THIS PETITION COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

This review petition is filed by the Insurance Company, seeking review of the judgment and award dated 03.07.2024 passed by this Court in MFA No.201901/2023.

2. Heard Sri Sudarshan M., learned counsel appearing for the review petitioner and Sri Sanganagouda V. Biradar, learned counsel appearing for respondent Nos.1 to 4-claimants.

3. Sri Sudarshan M., learned counsel appearing for the petitioner contended that, the claimants have filed MFA No.201901/2023 assailing the judgment and award dated 19.01.2022 passed by the Tribunal in MVC No.1065/2019 and the Insurance Company has also preferred MFA No.201913/2022, challenging the very same judgment and award passed by the Tribunal, but by oversight, the appeal preferred by the Insurance Company



was not tagged along with the appeal preferred by the claimants and therefore, sought for interference of this Court

4. Per contra, Sri Sangnagouda V. Biradar, learned counsel appearing for respondent Nos.1 to 4 opposed the contentions raised by the petitioner stating that, the policy in question is an Act Policy covering the risk of the passengers in the car and as such, sought for dismissal of the review petition.

5. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute as to the filing of the appeal by the Insurance Company in MFA No.201913/2022 challenging the very same judgment and award passed by the Tribunal, which is impugned in MFA No.201901/2023. However, the judgment and award dated 03.07.2024 was passed in MFA No.201901/2023 without considering the appeal filed by the Insurance Company. In that view of the matter, I am of the view that, there is an error apparent on the face of



the record in disposing of the appeal filed by the claimants without considering the appeal filed by the Insurance Company.

6. It is also to be noted that, the issue involved as to the Act Policy is pending consideration before the Hon'ble Supreme Court. In that view of the matter, I find force in the submission made by the learned counsel appearing for the petitioner.

7. Accordingly, the review petition is allowed and the judgment and award dated 03.07.2024 passed by this Court in MFA No.201901/2023 is hereby set aside and MFA No.201901/2023 is restored to file.

8. In view of disposal of the review petition, pending interlocutory applications, if any, do not survive for consideration.

Sd/-
(E.S.INDIRESH)
JUDGE