



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201192 OF 2022 (MV-I)

C/W

MISCL. FIRST APPEAL NO.201399 OF 2022 (MV-I)

MISCL. FIRST APPEAL NO.201954 OF 2022 (MV-I)

IN MFA NO.201192/2022:

BETWEEN:

BANDEPPA
S/O REVANSIDDAPPA HADPAD,
AGE: 44 YEARS,
OCC: HAIR CUTTING BUSINESS, NOW NIL,
R/O KORWARD, TQ. CHITTAPUR,
DIST. KALABURAGI.

...APPELLANT

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. SHAKIR S/O SALEEM KHAN,
AGE: MAJOR, OCC: BUSINESS
OWNER OF TRUCK NO.MH-04/EB-1627,
R/O F.NO.302, H.NO.K3/302,
NEAR OSWAL COMPLEX, OSWAL EMPIRE,
BOISAR, THANE, MAHARASHTRA-401 501.
2. SHRIRAM GENERAL INSURANCE CO. LTD.,
E-8, EPIP R II CO. INDUSTRIAL AREA, SITAPUR,





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MFA No. 201954 of 2022

JAIPUR, RAJASTHAN-302 022,
REPRESENTED BY ITS AUTHORIZED OFFICER.

3. PRAKASH S/O BASAVANAPPA,
AGE: MAJOR, OCC: DRIVER AND OWNER
OF MARUTI SWIFT CAR NO.KA-41/N-2349,
R/O KODADUR, TQ. CHITTAPUR,
DIST. KALABURAGI-585 211,
DIED BY LR WIFE
AKKAMAHADVI W/O LATE PRAKASH,
AGE: MAJOR, OCC: HOUSEHOLD,
R/O KODADUR, TQ. CHITTAPUR,
DIST. KALABURAGI-585 211.
4. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
DIVISIONAL OFFICE,
OPP: SANGAM TALKIES, SUPER MARKET,
KALABURAGI-585 102.

...RESPONDENTS

(BY SRI SUDARSHAN M., ADVOCATE FOR R2;
SRI MOHD. ABDUL QUAYUM, ADVOCATE FOR R4;
V/O DTD. 13.06.2023, NOTICE TO R1 DISPENSED WITH;
R3 - SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT
AND AWARD DATED 15.02.2022 PASSED BY THE LEARNED
SENIOR CIVIL JUDGE AND MACT, CHITTAPUR IN MVC
NO.59/2018 BY ENHANCING THE COMPENSATION AMOUNT AS
PRAYED FOR; HOLD BOTH THE RESPONDENTS JOINTLY AND
SEVERALLY LIABLE TO PAY THE ENHANCED COMPENSATION
TO THE APPELLANT.

IN MFA NO.201399/2022:

BETWEEN:

THE DIVISIONAL MANAGER,
THE UNITED INDIA INSURANCE COMPANY LIMITED,



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DIVISIONAL OFFICE, OPP: SANGAM TALKIES,
SUPER MARKET, KALABURAGI-585 101.

...APPELLANT

(BY SRI MOHD. ABDUL QUAYUM, ADVOCATE)

AND:

1. BANDEPPA S/O REVANSIDDAPPA HADPAD,
AGE: 44 YEARS, OCC: HAIR CUTTING BUSINESS,
NOW NIL, R/O VILLAGE KORWAR,
TQ. CHITTAPUR, DIST. KALABURAGI-585 312.
2. SHAKIR S/O SALIM KHAN,
AGE: MAJOR, OCC: BUSINESS OWNER OF
TRUCK BEARING REGN. NO.MH-04-EB 1627,
R/O F.NO.302, H.NO.K3/302,
NEAR OSWAL COMPLEX, OSWAL EMPIRE,
BOISAR, THANE, MAHARASHTRA-401 501.
3. SHRIRAM GENERAL INSURANCE CO. LTD.,
E-8, EPIP, R II CO. INDUSTRIAL AREA,
SITAPUR JAIPUR, RAJASTHAN-302 022,
REPRESENTED BY ITS AUTHORIZED OFFICER.
4. PRAKASH S/O BASAVANAPPA,
AGE: MAJOR,
OCC: DRIVER AND OWNER OF
MARUTI SWIFT CAR NO.KA-41/N-2349,
R/O VILLAGE KODADUR,
TQ. CHITTAPUR, DIST. KALABURAGI,
DIED PER LR WIFE
AKKAMAHADEVI W/O LATE PRAKASH,
AGE: MAJOR, OCC: HOUSEHOLD,
R/O VILLAGE KODADUR, TQ. CHITTAPUR,
DIST. KALABURAGI.

...RESPONDENTS

(BY SRI SANJEEV PATIL, ADVOCATE FOR R1;
SRI SUDARSHAN M., ADVOCATE FOR R3;
V/O DTD. 13.06.2023, NOITCE TO R2 DISPENSED WITH;
R4 - SERVED)



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THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 15.02.2022 PASSED IN MVC NO.59/2018 BY THE SENIOR CIVIL JUDGE AND MACT, CHITTAPUR, EXONERATING THE APPELLANT OF ITS LIABILITY TO THE EXTENT OF 25% OF THE AWARD.

IN MFA NO.201954/2022:

BETWEEN:

SHRIRAM GENERAL INSURANCE CO. LTD.,
E-8, EPIP, R II CO. INDUSTRIAL AREA,
SITAPUR, JAIPUR 302 022, RAJASTHAN,
REPRESENTED BY ITS AUTHORIZED OFFICER,
PRESENTLY REPRESENTED BY ITS
AUTHORIZED SIGNATORY
BR. MANAGER,
SHRIRAM GENERAL INSURANCE, CO. LTD.,
NO.3/5, 3RD FLOOR, S.V. ARCADE,
BILEKAHALLI ROAD, IIM POST,
BENGALURU-560 076.

...APPELLANT

(BY SRI SUDARSHAN M., ADVOCATE)

AND:

1. BANDEPPA
S/O REVANSIDDAPPA HADPAD,
AGE: 44 YEARS,
OCC: HAIR CUTTING BUSINESS, NOW NIL,
R/O VILLAGE KORWAR,
DIST. KALABURAGI-585 211.
2. SHAKIR S/O SALEEM KHAN,
AGE: MAJOR, OCC: BUSINESS, OWNER OF
TRUCK BEARING REGN NO.MH-04-EB-1627,
R/O F.NO.302, H.NO.K3/302,
NEAR OSWAL COMPLEX, OSWAL EMPIRE,
BOISAR, THANE, MAHARASTRA-401 501.



3. PRAKASH S/O BASAVANAPPA,
AGE: MAJOR,
OCC: DRIVER AND OWNER OF
MARUTI SWIFT CAR NO.41-N-2349,
R/O VILLAGE KADADUR, TQ. CHITTAPUR,
DIST. KALABURAGI-585 211.
4. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LIMITED,
DIVISIONAL OFFICE, OPP: SANGAM TALKIES,
SUPER MARKET, KALABURAGI-585 101.

...RESPONDENTS

(BY SRI SANJEEV PATIL, ADVOCATE FOR R1;
SRI MOHD. ABDUL QUAYUM, ADVOCATE FOR R4)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE
JUDGMENT AND AWARD DATED 15.02.2022 PASSED IN
MVC NO.59/2018 BY THE SENIOR CIVIL JUDGE AND MACT
AT CHITTAPUR AND ETC.

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

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

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. These appeals are arising out of the judgment
and award dated 15.02.2022 in MVC No.59/2018, on the
file of the Senior Civil Judge and MACT, Chittapur



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(hereinafter referred to as 'the Tribunal'), awarding global compensation of Rs.1,00,000/- with interest at 6% per annum from the date of petition till realisation to the claimant and directing respondent No.2 therein to deposit 75% and respondent No.4 to deposit 25% of the compensation.

3. For the sake of convenience, the parties would be referred to as per their rank before the Tribunal.

4. The relevant facts for adjudication of these appeals are that, on 05.02.2017, the claimant along with others were travelling in a car bearing Reg. No.KA-41/N-2349 to attend the marriage at Mumbai and the said car hit the truck bearing Reg. No.MH-04/EB-1627 from behind on Solapur - Pune Highway. On account of the same, the claimant sustained injuries. Hence, the claimant has preferred MVC No.59/2018 before the Tribunal, seeking compensation.



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5. On service of notice, respondent Nos.2 and 4 – Insurance Companies entered appearance and sought for dismissal of the claim petition.

6. The Tribunal, after considering the material on record, by judgment and award dated 15.02.2022, arrived at a conclusion that, the driver of the car has contributed the negligence to the extent of 25% and the driver of the truck has contributed to the extent of 75% and has awarded a global compensation of Rs.1,00,000/- with interest at 6% per annum from the date of petition till realization.

7. Feeling aggrieved by the same, the claimant has preferred MFA No.201192/2022, seeking enhancement of compensation, respondent No.4-United India Insurance Company Limited has preferred MFA No.201399/2022 and respondent No.2-Shriram General Insurance Company Limited has preferred MFA No.201954/2022, challenging the liability.



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8. It is argued by Sri Sanjeev Patil, learned counsel appearing for the claimant that, the compensation awarded by the Tribunal is on the lower side, which requires to be enhanced.

9. Sri Sudarshan M., the learned counsel appearing for respondent No.2-Shriram General Insurance Company Limited has invited the attention of the Court to the sketch appended to the charge sheet and also placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***Nishan Singh and Others vs. Oriental Insurance Company Limited*** reported in **(2018) 6 SCC 765** and submitted that, the driver of the car did not maintain the sufficient distance from the truck and as such, the driver of the car drove the same in a rash and manner and therefore, he sought for modification of the liability.

10. Sri Mohd. Abdul Quayum, learned counsel appearing for respondent No.4-United India Insurance Company Limited submitted that, the policy issued in



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respect of the vehicle in question is an Act Policy and therefore, the claimant is not covered under the said policy and hence, it is argued that, the Insurance Company is not liable to pay the compensation to the claimant.

11. Having taken note of the submissions made by the learned counsel appearing for the parties, I have carefully examined the sketch appended to the charge sheet, wherein it shows that, the alleged accident occurred on 05.02.2017, in which the car being driven by the deceased - Prakash was hit to the truck in question from behind. By looking into the fact that there was speed break on the National Highway, the driver of the truck ought to have applied the break by slowing down the speed. However, it is also to be noted that, the driver of the car ought to have maintained sufficient distance from the truck, as the truck being negotiating with joining the National Highway road.



12. Insofar as the arguments advanced by Sri Mohd. Abdul Quayum, learned counsel appearing for respondent No.4-United India Insurance Company Limited, I am of the view that, though the learned counsel contended as to the Act Policy, however, no evidence has been adduced before the Tribunal and further, the Insurance Company has failed to mark the relevant policy before the Tribunal and therefore, the contentions raised by the learned counsel for respondent No.4 cannot be accepted.

13. Therefore, looking into the nature of the alleged accident as per the sketch and also in view of the judgment of the Hon'ble Supreme Court in the case of ***Nishan Singh*** (supra), I am of the view that, the driver of the car has contributed to the extent of 30% to the alleged accident. Accordingly, the liability between the driver of the car and the driver of the truck would be 30:70.

14. Insofar as the enhancement of compensation sought for by the claimant is concerned, the Tribunal has



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awarded a global compensation of Rs.1,00,000/- with interest at 6% per annum from the date of petition till realisation. By looking into the nature of injuries and as the claimant has not proved the disability suffered on account of the alleged accident, I am of the view that, no interference is called for in the judgment of the Tribunal as to the quantum of compensation is concerned.

15. In the result, I pass the following:

ORDER

- i) MFA No.201192/2022 filed by the claimant and MFA No.201399/2022 filed by respondent No.4-United India Insurance Company Limited are dismissed.
- ii) MFA No.201954/2022 filed by respondent No.2-Shriram General Insurance Company Limited is allowed in part.
- iii) Respondent Nos.2 and 4 - Insurance Companies are directed to deposit the



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compensation awarded by the Tribunal in the ratio of 70:30 within six weeks from the date of receipt of a certified copy of this judgment.

- iv) The amount in deposit, if any, be transmitted to the Tribunal.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 21