HC-KAR

NC: 2026:KHC:55594
MFA No. 3378 of 2020
C/W MFA No. 1767 of 2020

CNR: KAHC010107162020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 3378 OF 2020

(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 1767 OF 2020

(MV-D)

IN MFA No. 3378/2020

BETWEEN:

1. SMT. CHANDRABAI,
   W/O LATE KRISHNA NAIKA,
   AGED ABOUT 48 YEARS,
   R/O VODDARA HALLI,
   KASABA HOBLI, TUMAKURU TALUK,
   TUMAKURU DISTRICT.

...APPELLANT

(BY SRI. PATEL D. KARE GOWDA., ADVOCATE)

Digitally signed by SUSHMA LAKSHMI B S
Location: High Court of Karnataka

AND:

1. HANUMANTHARAJU,
   S/O MAYANNA,
   AGED MAJOR,
   R/O MUTHASANDRA VILLAGE,
   SWANDENAHALLI POST, KORA HOBLI,
   TUMAKURU TALUK AND DISTRICT.

2. FUTURE GENEAL INDIA
INSURANCE CO. LTD.,
R/O NO.18/1, OLD NO.125(A),
3RD FLOOR, ASHOKA PILLAR ROAD,
1ST BLOCK, JAYANAGAR,
BENGALURU.
BY ITS MANAGER.

3. THE MANAGER,
SHRI RAMA TRANSPORT
FINANCE CO. LTD.,
M. G. ROAD,
ABHARANA ARCADE BUILDING,
TUMAKURU.

…RESPONDENTS

(BY SRI. M. B. RYAKHA., ADVOCATE FOR R1;

SRI. B. C. SHIVANNEGOWDA., ADVOCATE FOR R2;

SRI. M. J. ALVA., ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED. 08.07.2019, PASSED IN MVC.NO.588/2014, ON THE FILE OF THE III-ADDITIONAL SENIOR CIVIL JUDGE AND M.A.C.T. AT TUMAKURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

CNR: KAHC010107162020

IN MFA NO. 1767/2020

BETWEEN:

1. THE MANAGER,
   SHRIRAM TRANSPORT
   FINANCE CO. LTD.,
   ABHARANA ARCADE BUILDING,
   M.G. ROAD,
   TUMAKURU – 572 201.
   REP. BY THE MANAGER (LEGAL)
   MR. NAGABHUSHANA M. C.,
   S/O CHIKKARANGAIAH,
   AGED ABOUT 43 YEARS.

...APPELLANT

(BY SRI. M. J. ALVA., ADVOCATE)

AND:

1. SMT. CHANDRABAI,
   W/O LATE KRISHNAIKA,
   AGED ABOUT 47 YEARS,
   VADDARAHALLI, KASABA HOBLI,
   TUMAKURU TALUK,
   TUMAKURU DISTRICT – 572 140.

2. HANUMANTHARAJU,
   S/O MAYANNA,
   AGED ABOUT 47 YEARS,
   MUTHASANDRA VILLAGE,
   SWANDENAHALLI POST,
   KORA HOBLI, TUMAKURU TALUK,
   NOW R/A NAVILAHALLI,
   KASABA HOBLI, TUMAKURU TALUK

TUMAKURU DISTRICT – 572 128.

3. M/S FUTURE GENERAL INDIA
INSURANCE CO. LTD.,
NO.18/1, OLD NO.125(A),
3RD FLOOR, ASHOKA PILLAR ROAD,
FIRST BLOCK, JAYANAGAR,
BENGALURU – 560 011.

...RESPONDENTS

(BY SRI. PAREL D. KAREGOWDA., ADVOCATE FOR R1;
SRI. M. B. RYAKHA., ADVOCATE FOR R2;
SRI. B. C. SHIVANNEGOWDA., ADVOCATE FOR R3)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 08.07.2019, PASSED IN MVC.NO.588/2014, ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE AND M.A.C.T. AT TUMAKURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS ARE, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

Learned counsel for respondent No.1 submits that respondent No.3 has categorically admitted in the written statement that Insurance Policy was enforceD as on the date of the accident. However, they did not produce any document to substantiate the said contentions. Therefore, it is necessary to determine the said issue before the Tribunal. In the light of the aforesaid observations, I proceed to pass the following:

ORDER

i. The appeal is disposed of.

ii. The judgment and award dated 08.07.2019 passed in MVC No.588/2014, on the file of the III Addl. Senior Civil Judge and MACTG, Tumkur is hereby set aside.

iii. The appeal is remanded back to the Tribunal for further proceedings.

iv. All the contentions of the parties are kept open.

v. Registry is directed to transmit the TCR to the Tribunal along with copy of this order forthwith.

vi. Registry is directed to transfer the statutory deposit, if any, deposited by the appellant in MFA No.1767/2020, on proper identification.

Sd/-
(S RACHAIAH)
JUDGE

JS/-
List No.: 1 Sl No.: 38