

NC: 2025:KHC:33081 MFA No. 7594 of 2019 C/W MFA No. 6685 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 23RD DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 7594/2019(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 6685/2019 (MV-I)

IN MFA No. 7594/2019

BETWEEN:

MR RAMACHANDRAIAH T.R, S/O LATE RANGAPPA, AGED ABOUT 53 YEARS, R/AT NO.62, VIVEKANADANGAR, MACHOHALLI COLONY, PIPELINE ROAD, MAGADI MAIN ROAD, BANGALORE-560 091,

PERMANENT ADDRESS:

TALAKERE VILLAGE, BADAKANAHALLI POST, PURAVARA HOBLI, MADHUGIRI TALUK, TUMAKUR DISTRICT.



...APPELLANT

(BY SRI. SHANTARADDI SOMARADDI MULIMANI., ADVOCATE)

AND:

 THE MANAGER, NEW INDIA ASSURANCE COMPANY LTD., NO.92, 2ND FLOOR, MAHALAKSHMI CHAMBERS, MG ROAD, BANGALORE-560 001, (INSURER OF THE VEHICLE REG NO KA-01-AE-9608)



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 M/S SRS TRAVELS, REP BY K T RAJASHEKAR, NO 321, TSP ROAD, OPP BMC KALASIPALYA, BANGALORE-560 002. (OWNER OF VEHCILE BEARING REG NO KA-01-AE-9608)

...RESPONDENTS

(BY SRI. RAVISHANKAR C.L, ADVOCATE FOR R1, SRI. K.S. ANANDA, ADVOCATE FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DTD.20.03.2019 PASSED IN MVC NO.4199/2018 ON THE FILE OF THE XXI ACMM AND XXIII ADDITIONAL SMALL CAUSE JUDGE, MACT, BENGALURU (SCCH-25), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 6685/2019:

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD., MOTOR THIRD PARTY CLAIMS HUB, MAHALAKSHMI CHAMBERS, NO 92, 2ND FLOOR, M G ROAD, BANGALORE – 560 001, REPRESENTED BY ITS MANAGER.

...APPELLANT

(BY SRI. RAVISHANKAR C R., ADVOCATE)

AND:

I. SRI RAMACHANDRAIAH T R AGED ABOUT 53 YEARS, S/O LATE RANGAPPA, PRESENTLY R/AT NO 62, VIVEKANANDA NAGAR,



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MACHAHALLI COLONY PIPELINE ROAD, MAGADI MAIN ROAD, BANGALORE - 560091

PERMANENT ADDRESS:

TALAKERE VILLAGE, BASAKANAHALLI POST, PURAVARA HOBLI, MADHUGIRI TALUK, TUMKUR DISTRICT

2. SRS TRAVELS, K T RAJASHEKAR, NO 321, TSP ROAD, OPP. BMC KALASIPALYA, BANGALORE - 560 002.

...RESPONDENTS

(BY SRI. SHANTA RADDI S MULIMANI, ADVOCATE FOR R1, SRI. K.S. ANANDA, ADVOCATE FOR R2(VK NOT FILED))

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:20/03/2019, PASSED IN MVC NO.4199/2018, ON THE FILE OF THE XXI ACMM., & XXIII ADDITIONAL SMALL CAUSES JUDGE AND MACT, BENGALURU, (SCCH-25), AWARDING COMPENSATION OF RS.3,32,200/- ALONG WITH INTEREST AT 8% P.A., FROM THE DATE OF PETITION TILL THE DATE OF DEPOSITING THE AMOUNT.

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



CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

MFA No.6685/2019 is filed by the appellant/Insurance Company, disputing the liability against the award passed by the Tribunal dated 20.03.2019 passed in MVC No.4199/2018 on the file of the XXI ACMM & XXIII A.S.C.J, Bengaluru. Also filed I.ANo.2/2019 for receiving the additional documents.

- 2. MFA No.7594/2019 filed is by the appellant/claimant against the judgment and award dated 03.07.2015 passed in 20.03.2019 passed in MVC No.4199/2018 on the file of the XXI ACMM & XXIII Bengaluru, A.S.C.J, seeking enhancement of compensation
- 3. The brief facts of the case is that the Manager of the Insurance company stated the driver of the insured offending vehicle Paramesha was charge sheeted for having no valid driving licence. But they produced



fake driving license before the police. They obtained extract of the driving license and came to know that the said license was issued in the name of Manjunatha and thus it amounts to breach of terms and conditions of the policy. Therefore, they requested this Court to receive the documents and to remand the matter to the Tribunal.

4. Considering the reasons stated in the IA No.1./2019. IA No.1/2019 is allowed. Additional documents are received. The matter is remanded to the trial court with a direction to the Insurance company to adduce evidence for marking of the documents and also further evidence, if any, by both the parties. The tribunal is directed to dispose of the matter by duly giving opportunity to both sides for adducing evidence and for hearing within 4 months from the date of the order, from the date of receipt of the records.

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III.

Accordingly, MFA No.6685/2019 filed by the Insurance is hereby **allowed and remanded** back to

the trial court.

In view of remand of the matter, **MFA**

No.7594/2019 is hereby dismissed with liberty to file

appeal at subsequent point of time.

Registry is directed to send all the necessary

records within 10 days from the date of receipt of the

copy of this order.

The amount already deposited by the

appellant/insurance company is to be refunded to them.

SD/-(P SREE SUDHA) JUDGE

AKV

List No.: 1 SI No.: 38