

Karnataka High Court

United India Insurance Co Ltd vs Master Manjunath S/O Late ... on 18 February, 2010

Author: N.Ananda

i '~'

MASTER GOVIND4

S/O. LATE VENKA'I'ESI\*iAPPA.  
AND SMT. CHIKKAGANGAMMA.  
AGED E8 YEARS.

BOTH R1 & R2 ARE R /AT

NO. 6/19, 11 CROSS \_  
4TH MAiN. BYRASANDRA.  
BANGALORDSGO 0: 1.

3. SMT. RA'1'NA\_IVII\IA  
w/0. PUTI'ARAI\ZAIAH. '  
AGED 48 YEARS.  
R/A NO.132, -  
THIMMASE{'1"APP'A LAYI, . "  
SUBHASHNAGAR, 0 "  
NELAMANGAL '1'QWN.\_ '  
BANGALORE-DIS§j1'RI:CfIf;

RESPONI) ENTS

[By s;~.;----- H. ~g,.s.f<'r'E:s:4fAR;§§§.;vfUm'-r~ziy. \*p"\*oR R} & R2:  
s::Rv1<\_: E: .e:,vaN«oj';c 1: .TO\_ E3 E8 HELD SUFFECXENT  
'J-0m' 1 10> 0

'1'1L1'1':3.4§\k1;€'A''2's 4§:=111;f:.1§'0'U/S. 1\_\*r3{1) 0;? MV ACT AGAIN'S"E'

'1'r1f€30uDc;MENj\*'AN1j AWARD DATED: 23.10.2007 PASSED

IN05/1'V<Jc N'Q.158/Q00V0 ON 'mp: FILE OF E ADDL. cm;  
{sr§.'f>N.) AND MACT, BANGAL.0R1a RURAL  
' ~I) 1sif'Ri'C'i";1.BAi\:'GALo12E:,. AWARDING A COi\IPPZNSATION 01?

RS';42,7,'5".20C?/- ROLENDIED 0?' TO Rs.2.7ES,000/-- \rVITP'i

\_ 1N"rER1:sT 8% PA FROM THE DATE OF PI\$.TI'I'I'lon TILL  
' ..f\_=> APPC{MEN'1'.

IN MFA.6303/2008 (MV):

1.

{By Sri. O. MAHESH ADVOCATE} AND UNITS INDIA INSURANCE CO. LTD. BRANCH OFFICE NO. 189.

1st CROSS, SAMPIGE ROAD.

MALLESHWARAM.

BANGALORE - 560 003.

BY REGIONAL OFFICE.

UNITED INDIA INSURANCE CO. LTD.; SHANKARANARAYANA 3rd, DINGA A MG. ROAD. BANGALORE - 560 003.

G. THEMMALAH, V :

S/O. LATE GOVINDALAKSHMI

AGED 43 YEARS, AI-1.

GEETILAKSHMI

AG-ED III VIESSED-I S «G» I SH-1 MI/I} u' i' % Li' 1 AGED SINCE SR2 & R-3' Mf; §ORS REP. I 41335' TH EIR7 Flix7 {fP{E2R~m , - I \_R\_ESPO1\I}Z)EIi\ET :- G. THIMMALAH-I. ALI. ARE R/A T"" BEE; } ANAPALYA. I 50: \II~.IA'SANDRA POST 'V' \* KASABA \_ HZOBLE.

- NELAMANGALA TALUK BANGALORE DISTRICT.

that as per the ix.R-L the driver of the insured "x-: 't'.lii('l("'. involved in the accident. was holding licence to laassenger Vehicle from 16.04.1998 to . took place on .17'.06.1998). 'l'lms, £11.53 byelaie-ié K " accident is a heavy goods vehi(:ie--- \_ 'lfl'1e;'el'oJ.T\_€; '~ ih t,ef1e?.1s'\*:1o1' Section 3 of Motor Vehicles"f\_»\ 'c%.i':¢. he w;:1s V1'1()E': éié.{t;h..o1\*is.ed li.o\_l> drive 3. Heavy Goods Vehicle. There 3 b1\*e3C\_h of o.oridi€:ions of Policy by the ir1s1.11\*ed«.y:7 \_ 'l

4. '§lleL11"aI1(tc% Company taking [Goods Carriage' under ""%/'e.. 'oz'lcle' under Secuora 2[l6}. under Section 2(l7} oi' the Motor Veh-i.eles The Aer]. would contend '(,l"lE1l, tljx'~.~ZbIeoa?1; Goo&5..\_\_V\_\_£fh-icle and Heavy Passenger Vehicle are ' ;Vt'\»voV ClivlJVl:€71'Cv§'1'l£v.' ClaSS of vehicles. "I'herefore, the driver of '--\;e'hi'cle'\';f}1.ol'Tr.Kias authorised to drive the Heavy Passenger Velaiele.&Vshoul.d not have driven a Heavy Goods Vehicle. He 2 V, " was not authorised to drive a Heavy Goods Vehicle. '}'P\~': » ' . ""~ ) M:

(21) Motorcycle without gear:

(b) Motomycle with gear:

(c) invalid carriage;

(d) Light motor vehicle; — [(9) Transport vsv'hiEfé,,j. ' —

(i) Road~:oHer:

(i) E\ioior'>iyéi3§c§e 'Of 'a descripi%c.(i.'i. ' "I2. We find i're)i1'1.E."r1€ p1'()iv'iisi6'iis«  
 . \_Sui3-sectimi (2) of Section 10 thaihaihe 'Tr5u'i:;p:OrtV'Vçh.iCÉév.been ii11,1'()d11(1€('1 with effeci  
 {rim byiv:};11'}5iV(E1""54□1994. This vvas done with av..Vi'e-\a%'V.;\_io 1'-1901-;,1S'::\$.i'Ej':'giihe  
 vjeliittles for the piwpose of issLiai1<:e oi' dfi'-f'ing"ii(:ei1gtE.,... \_ In l.h--r: (wise-\_oii'..\_  
 :1'i'£1.\_1'11VC1. the I»Respo11d€1'tt. was holding d1jiV:i:11g\_\_ HCCIICGB'i"Gud'1f\_i\`vE heavy  
 passerlger vehicle which 21 ' ,ir2;1.1spQi'é v6\_:iii£:Ee. The gross weight of the heavy passseriger  
 'vii-Eiiclev 12,000 kiiogrzmis. The xrehicie iE'1\;'O1\>'€'.d in i.1"1é g1c"(:.igVcE<ér1E': is 21130 J.  
 t1'anspori' V€hi('.I€. which is a heavy 2 AAg"{}O\_§iSvVLJJ€hiCi(:' defined urider Section 2[16} of  
 H16 Am. The 7g1"o'Ss vehicle weight: exceed 12000 kilograins. Tl"1e1'e.i'oi'c>.\_ the r.

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