NC: 2025:KHC-K:3081
MFA No. 200980 of 2021

HC-KAR

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCL. FIRST APPEAL NO. 200980 OF 2021 (MV-I)

BETWEEN:

MANOJ
S/O GIRISH GOURAKAR,
AGE: 17 YEARS, MINOR,
OCC: STUDENT,
REPRESENTED THROUGH NATURAL,
FATHER GIRISH
S/O KAMALAKAR,
AGE: 40 YEARS,
OCC: AGRICULTURE,
R/O: HADALAGI, TQ: ALAND,
DIST: KALABURAGI.

...APPELLANT

Digitally signed by RAMESH MATHAPATI
Location: HIGH COURT OF KARNATAKA

(BY SMT.SRIDEVI J.TUPPAD, ADVOCATE)

AND:

1. BASAVARAJ P
S/O SOMALINGAPPA KAULAGI,
AGE: 49 YEARS,
OCC: DRIVER CUM OWNER OF VEHICLE,
R/O: MADIYAL,
TQ: ALAND, DIST: KALABURAGI – 586 236.

2. THE ORIENTAL INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER,
1ST FLOOR, N.G. COMPLEX,
OPP: MINI VIDHANA SOUDHA,

MAIN ROAD, KALABURAGI – 585 102.

…RESPONDENTS

(BY SRI SANJAY M. JOSHI, ADVOCATE FOR R2;
NOTICE TO R1 IS SERVED BUT – REPRESENTED.)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 08TH DAY OF MARCH, 2021 PASSED BY THE I ADDITIONAL SENIOR CIVIL JUDGE AND M.A.C.T., KALABURAGI IN M.V.C. NO.752/2019 AND TO MODIFY THE COMPENSATION AWARDED AND TO PASS SUCH OTHER ORDER OR AS THIS HON'BLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING THE COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MISCELLANEOUS FIRST APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 08.03.2021 passed by I Addl. Senior Civil Judge and M.A.C.T., Kalaburagi in MVC no.752/2019, this appeal is filed.

2. Smt.Sridevi J, Tuppad, learned counsel submits that appeal was by claimant challenging award only on liability of insurer. It was submitted that in MFA no.201482/2021, arising out of MVC no.751/2019, which was also in respect of same accident, Division Bench of this Court on 20.02.2024, held insurer liable to pay entire compensation. It is submitted that

claimant would be satisfied, if same order is passed in present appeal also.

3. Sri Sanjay M Joshi, learned counsel for respondent no.2/insurer would admit judgment passed by Division Bench of this Court as covering subject matter of this appeal.

4. Heard learned counsel and perused judgment and award.

5. From above and since, claimant is in appeal challenging finding on liability, only point that would arise for consideration is :

> "Whether Tribunal was justified in absolving liability of insurer?"

6. In view of finding of Division Bench of this Court in MFA no.201482/2021, point for consideration would require to be answered in affirmative. Consequently, following order:

ORDER

Appeal is allowed. Impugned judgment and award passed by Tribunal is modified. It is held that respondent no.2/insurer would be liable to pay entire compensation to claimant with interest. Other conditions and terms remain unaltered. Insurer shall deposit award amount within six weeks.

Sd/-
(RAVI V HOSMANI)
JUDGE

NJ
List No.: 1 Sl No.: 35