

Nagaraj vs Ayub

Nagaraj vs Ayub

SooperKanoon Citation : sooperkanoon.com/1593236

Court : Karnataka Dharwad

Decided On : Sep-26-2025

Judge : Ashok S. Kinagi

Appeal No. : MFA/100277/2014

Appellant : Nagaraj

Respondent : AYUB

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF SEPTEMBER, 2025 BEFORE THE HON'BLE MR. JUSTICE ASHOK S. KINAGI MISCELLANEOUS FIRST APPEAL NO. 100277 OF 2014 (MV-) BETWEEN:

1. SRI. NAGARAJ S/O BABURAO KAMMAR, AGE: 31 YEARS, OCC: COOLIE, R/O: HALIYAL, TQ: HALIYAL, DIST: KARWAR. APPELLANT (BY SRI. SAMBHAJI R SURYAVANSHI, ADV) AND:

1. SRI. AYUB S/O ABDULKARIM BAGEWADI, AGE: MAJOR, OCC: BUSINESS, AT HANUMAN ROAD, R/O: ALNAVAR, TQ & DIST:

DHARWAD, (OWNER OF THE 407 MAXI CAB, NO.KA-25/A-196)

2. THE MANAGER, THE RELIANCE GENERAL INSURANCE CO. LTD.,
HUBLI, AT HUBLI, (INSURER OF THE 407 MAXI CAB NO.KA.25/A-196)
VALID FROM MOHANKUMAR B SHELAR

3. VISHNU S/O RAMANNA CHAVAN

Digitally signed by AGE: MAJOR, OCC: TRANSPORT MOHANKUMAR B
SHELAR BUSINESS, AT SATNALLI, Date: 2025.09.27 TQ: HALIYAL, DIST:
KARWAR 11:23:29 +0530 (OWNER OF TRACTOR BEARING, NO.GA-01-
141/2009T.T. UNIT)

4. THE DIVISION MANAGER

UNITED INDIA INSURANCE CO. LTD THROUGH ITS DIVISIONAL OFFICE,
(THE UNITED INDIA INSURANCE CO. LTD,) ENKEY COMPLEX HUBLI, POLICY
NO.241301/31/09/00011193 VALID FROM 16/01/2010 TO 15/01/2010 -2-
(INSURER OF T.T. UNIT NO.GA-01-141/2009) RESPONDENTS (BY SRI.
SURESH S. GUNDI, ADV FOR R2, NOTICE TO R1 & R3 ARE DISPENSED
WITH SRI. S.S. KOLIWAD, ADV FOR R4) THIS MFA IS FILED U/S.173(1) OF MV
ACT, AGAINST THE

JUDGMENT & AWARD DATED:20.03.2012, PASSED IN MVC.

NO.108/2011, ON THE FILE OF THE MEMBER, ADDL. MACT, YELLAPUR,
SITTING AT HALIYAL, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION. THIS
APPEAL, COMING ON FOR ADMISSION, THIS DAY, THE

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI) This appeal is filed by the petitioner challenging the

judgment and award dated 20.03.2012 passed in

M.V.C.No.108/2011 by the learned Additional M.A.C.T., Yellapur sitting at Haliyal.

2. Brief facts leading rise to the filing of this appeal

are as follows: -3- On 26.12.2010, the petitioner was traveling in a 407 maxi cab bearing registration No.KA-25/A-196. When the tempo reached near the accident spot, at that time, a tractor bearing registration No.GA-01/141-2009 driven by its driver, who came from the opposite direction in a rash and negligent manner and dashed to the tempo. As a result, the petitioner sustained grievous injuries. The petitioner filed the claim petition under Section 166 of M.V. Act claiming compensation on account of the injuries sustained in the road traffic accident. During the pendency of the case, the owner of the offending vehicle died and her legal representatives were brought on record.

3. The legal representative of the owner of the 407

maxi cab in question filed a statement of objections denying the averments made in the claim petition and contended that the driver of the offending vehicle was possessing a valid and effective driving license and the policy was valid -4- as of the date of the accident. Hence, prays to dismiss the claim petition against the owner of the offending vehicle.

4. Respondents No.2 and 4, the insurance companies, filed separate statement of objections denying the averments made in the claim petition and prays to dismiss the claim petition against them.

5. R.3-the owner of the tractor in question filed the

statement of objections denying the claim petition averments. It is contended that the accident occurred due to the rash and negligent driving of the 407 maxi cab in question. Hence, prays to dismiss the petition against him.

6. The Tribunal, based on the pleadings of the parties, framed the relevant issues.

7. The petitioner, to substantiate his case,

examined himself as PW-1 and marked 5 documents as Exs.P-1 to P-5. On the other hand, the officer of the -5- Insurance Company was examined as RW-1 and marked 6 documents as Exs.R-1 to R-6.

8. The Tribunal, after assessing the verbal and

documentary evidence, allowed the claim petition in part with costs and awarded compensation of Rs.5,000/- with interest at the rate of 6% per annum from the date of petition till the date of payment and respondents No.2 and 4 are ordered to deposit the compensation amount to the extent of 50% each before the Tribunal within 30 days from the date of the order.

9. The petitioner being dissatisfied with the quantum of compensation, filed this appeal.

10. Heard the learned counsel for the petitioner and also the learned counsel for the Insurance Companies.

11. Perused the records and considered the submissions of the learned counsel for the petitioner. -6-

12. The point that arises for consideration is regarding the quantum of compensation.

13. There is no dispute regarding the occurrence of

accident and the petitioner having suffered injuries in the road traffic accident. The petitioner has produced the wound certificate marked as Ex.P-4. The petitioner has not examined the doctor to prove the disability. Considering the nature of injuries sustained by the petitioner in the road traffic accident as per Ex.P-4, this Court is of the opinion that the petitioner is entitled for a global compensation of Rs.50,000/- including the compensation awarded by the Tribunal.

14. In view of the above discussion, appeal is allowed.

15. In view of the above discussion, I proceed to pass the following:

ORDER

(i) The appeal is allowed in part. -7-

(ii) The judgment and award dated 20.03.2012 passed in M.V.C.No.108/2011 by the learned Additional M.A.C.T., Yellapur sitting at Haliyal, is hereby modified.

(iii) The petitioner is entitled to global compensation of Rs.50,000/- including the compensation awarded by the Tribunal with interest at 6% p.a. from the date of petition till realization.

(iv) Respondents No.2 and 4 are directed to deposit the compensation amount with accrued interest to the extent of 50% each within eight weeks from the date of receipt of a copy of this order.

(v) The office is directed to transmit the records to the Tribunal, forthwith. Sd/-
(ASHOK S. KINAGI) JUDGE NAA CT: BSB List No.: 1 SI No.: 18

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com