

IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH

DATED THIS THE 5TH DAY OF OCTOBER 2021

BEFORE

THE HON'BLE MR. JUSTICE V. SRISHANANDA

MFA NO.102845/2015 C/W. MFA NOS.24319/2012,
MFA NOS.102127, 102128, 102129, 102130, 102131,
102132, 102133, 102134, 102135, 102136, 102137,
102138, 102139, 102140, 102141, 102142, 102844,
102846, 102847 OF 2015 & MFA CROB NOS.100115,
100170, 100171, 100172, 100173,
100174 OF 2016 (MV)

IN MFA NO.102845/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD
IIIRD FLOOR SUBRAMANIYAM BUILDING No.1
CLUB HOUSE ROAD CHENNAI
REP BY ITS AUTHORIZED SIGNATORY
ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD
IIIRD FLOOR SUBRAMANIYAM BUILDING NO.1
CLUB HOUSE ROAD CHENNAI

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. SMT.PADAMA W/O SANADEVAPPA KANANA
AGE:41 YEARS, OCC:HOUSE HOLD
R/O SHIVASHANKAR COLONY SIDDARUDHMATH
CROSS OLD HUBBALLI, HUBBALLI
2. M/S HANDA TRANSPORT CO LTD.,
TRAFFIC ISLAND P.B.ROAD, HUBBALLI.

3. SRI.NISAR AHMAD S/O NOOR AHMAD HARIHAR
AGE:MAJOR, R/O:PLOT NO.307,
7TH CROSS, SAHADEV NAGAR,
OLD HUBBALLI, HUBBALLI
4. RELIANCE GENERAL INSURANCE COMPANY LIMITED
HAVING ITS BRANCH OFFICE AT CTS NO.472-474 V.A
KALBURGI SQUARES DESAI CROSS
DESHPANDE NAGAR, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED:26.06.2015, PASSED IN
MVC.NO.222/2012, ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDING COMPENSATION OF
RS.1,25,500/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.24319/2012:

BETWEEN:

THE MANAGER, ROYAL SUNDARAM ALLIANCE COMPANY
LIMITED, SUNDARAM TOWERS, 46 WHITES
ROAD ROY PETH, CHENNAI, RPTD. BY ITS
AUTHORIZED OFFICER, ROYAL
SUNDARAM ALLIANCE INSURANCE
COMPANY LIMITED, LEGAL DEPARTMENT,
SUBRAMANIAN BUILDING II FLOOR,
CLUB HOUSE ROAD, ANNASALAI, CHENNAI-600002.

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. SHRI. NISAR AHMED S/O NOORAHMED HARIHAR
AGE: 20 YEARS, OCC: DRIVER NOW NIL

R/O: NEW GANDHI NAGAR, BELGAUM

2. M/S HANDA TRANSPORT COMPANY
TRAFFIC ISLAND P B ROAD,
HUBLI, OWNER OF TRUCK BEARING NO KA-25/A-5220
...RESPONDENTS
(BY SRI. VISHWANATH V BADIGER, ADVOCATE FOR R1;
SRI. RAJASHEKHAR P. UGARGOL, ADVOCATE FOR R2)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED: 23.07.2012 PASSED IN MVC NO. 560/2011 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND MEMBER, ADDL. MACT. BELGAUM, AWARDED COMPENSATION OF RS. 1,27,100/- WITH INTEREST AT 6% P.A. FROM THE DATE OF PETITION TILL ITS REALISATION.

IN MFA NO.102127/2015:

BETWEEN

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING, IIND FLOOR ANNASALAI
CHENNAI-600002.
...APPELLANT
(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. KUMARI. RADHIKA D/O PARASARAM HANCHINMAN
AGE:7 YEARS, OCC. NIL
MINOR BY GUARDIAN NATURAL FATHER
PARASARAM S/O BASAPPA HANCHINMANI
AGED:34 YEARS, OCC. COOLIE
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI

2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.60/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDED COMPENSATION OF
RS.31,950/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.102128/2015:

BETWEEN

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIYAM BUILDING,

IIND FLOOR ANNASALAI
CHENNAI-600002.

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. SUDARSHAN S/O RENAPPA HANCHINMAN
AGE:32 YEARS, OCC. COOLIE
R/O SHIVSHANKAR COLONY
NEAR SIDDHARUD MATH,
OLD HUBBALLI, HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS
HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.61/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDING COMPENSATION OF
RS.46,950/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.102129/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING, IIND FLOOR ANNASALAI
CHENNAI-600002.

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. KUMARI AKSHATA D/O PARASARAM HANCHINAMANI
AGE:7 YEARS, OCC. NIL
MINOR BY GUARDIAN NATURAL FATHER
PARASARAM S/O BASAPPA HANCHINMANI
AGED:34 YEARS, OCC. COOLIE
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR, IIIRD FLOOR
DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;

SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT & AWARD DATED:07.04.2015, PASSED IN MVC.NO.62/2011, ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI, AWARDED COMPENSATION OF RS.21,950/- ALONG WITH INTEREST AT THE RATE OF 6% P.A. FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.102130/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOOR ANNASALAI
CHENNAI-600002.

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. RAMAPPA @ RAMANNA S/O DURGAPPA HANCHINMAN
AGE:44 YEARS, OCC. COOLIE
R/O SHIVSHANKAR COLONY
ENAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220

3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED: 07.04.2015, PASSED IN
MVC.NO.64/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDING COMPENSATION OF
RS.31,950/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.102131/2015:

BETWEEN

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOORANNASALAI CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. BASAPPA S/O DURGAPPA HANCHINMANI @ KANAN
AGE:49 YEARS, OCC. COOLIE
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE
COMOPANY LIMITED
KALBURGI SQUARES, DEHSPANDE NAGAR,
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.65/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDING COMPENSATION OF
RS.5,70,000/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.102132/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT

BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOOR ANNASALAI
CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. SMT. SAIDEVVA W/O GURUNATH DEVARMANI
AGE:44 YEARS, OCC. VEGETABLE VENDOR
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMOPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS
HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT & AWARD DATED:07.04.2015, PASSED IN MVC.NO.66/2011, ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI, AWARDED COMPENSATION OF RS.36,950/- ALONG WITH INTEREST AT THE RATE OF 6% P.A. FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.102133/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOOR ANNASALAI
CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. RAMAPPA S/O DURGAPPA HANCHINMAN
AGE:44 YEARS, OCC. COOLIE
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI

4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.67/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDED COMPENSATION OF
RS.6,78,000/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102134/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOOR ANNASALAI
CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. SMT. GOURI @ GOURAMMA W/O SUDERSHAN HANCHINMAN
AGE:29 YEARS, OCC. VEGETABLE VENDOR
R/O SHIVASHANKAR COLONY

NEAR SIDDHARUD MATH HUBBALLI

2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD HARIHAR
AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.68/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDING COMPENSATION OF
RS.24,600/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102135/2015:

BETWEEN

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE

INSURANCE COMPANY LTD.,
SUBRAMANIYAM BUILDING,
IIND FLOOR ANNASALAI
CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. GEETA W/O RMAPPA HANCHINMANI
AGE:24 YEARS, OCC. VEGETABLE VENDOR
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.69/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDED COMPENSATION OF
RS.36,950/- ALONG WITH INTEREST AT THE RATE OF 6% P.A.
FROM THE DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102136/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOOR ANNASALAI, CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. RAMAPPA S/O DURGAPPA HANCHINMANI
AGE:44 YEARS, OCC. COOLIE
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH OLD HUBBALLI,
HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMOPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;

SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
AGAINST THE JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.70/2011, ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNAL, HUBBALLI, AWARDED THE COMPENSATION OF
RS.5,70,000/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE
DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102137/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOOR ANNASALAI, CHENNAI-600002.

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. SUDERSHAN W/O RAMAPPA HANCHINMANI
AGE:32 YEARS, R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH, OLD HUBBALI,HUBBALLI
2. SMT. GOURAMMA W/O. SUDERSHAN HANCHINMANI,
AGE: 29 YEARS, OCC: COOLIE
R/O. SHIVSHANKAR COLONY NEAR SIDDHARUD MATH
OLD HUBBALLI, HUBBALI.
3. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI

OWNER OF LORRY NO.KA25/A5220

4. SRI. NISAR AHMAD S/O NOOR AHMAD HARIHAR
AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
5. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
KALBURGI SQUARES DEHSPANDE NAGAR IIIRD FLOOR
DESAI CROSS HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
AGAINST THE JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.71/2011 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL
JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNAL, HUBLI, AWARING THE COMPENSATION OF
RS.2,00,000/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE
DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102138/2015:

BETWEEN

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE INSURANCE COMPANY LTD.,
SUBRAMANIYAM BUILDING
IIND FLOORANNASALAI, CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. SIDDHARTH S/O SURESH KATTIMANI
AGE:13 YEARS, OCC. STUDENT MINOR
BY GUARDIN M/G NATURAL FATHER
SURESH S/O SAHADEVAPPA KATTIMANI
AGE:40 YEARS, OCC. COOLIE
R/O ASAR ONI HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
K/HARIHAR AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR
OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE
COMPANY LIMITED
KALBURGI SQUARES
DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS,
HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
AGAINST THE JUDGMENT & AWARD DATED:07.04.2015, PASSED IN
MVC.NO.72/2011 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL
JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNAL, HUBLI, AWARDDING THE COMPENSATION OF
RS.20,000/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE
DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102139/2015:

BETWEEN

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING, IIND FLOOR ANNASALAI
CHENNAI-600002

...APPELLANT

(BY SRI. G N RAICHUR, ADV.)

AND:

1. BASAPPA S/O DUNDEPPA DUNDI ALIAS PUJARI
AGE:29 YEARS, OCC. MASON
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;

SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT, AGAINST THE JUDGMENT & AWARD DATED:07.04.2015, PASSED IN MVC.NO.230/2011 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBLI, AWARDED THE COMPENSATION OF RS.22,900/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102140/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE INSURANCE COMPANY LTD.,
SUBRAMANIYAM BUILDING, IIND FLOOR ANNASALAI
CHENNAI-600002

...APPELLANT

(BY SRI.G N RAICHUR, ADVOCATE)

AND:

1. SURESH S/O SAHADEVAPPA MVC KATTIMANI
AGE:40 YEARS, OCC. COOLIE
R/O ASAR ONI, HUBBALLI
2. MANIKANT S/O SURESH KATTIMANI
AGE:15 YEARS, R/O ASAR ONI HUBBALLI
3. VAISHALI D/O SURESH KATTIMANI
AGE: 12 YEARS, R/O ASAR ONI HUBBALLI
4. SIDDHARTA S/O SURESH KATTIMANI
AGE:10 YEARS, OCC. STUDENT

APPELLANTS 2 TO 4 SINCE MINORS

BY THEIR M/G NATURAL FATHER APPELLANT NO.1

5. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
6. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
7. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE
COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR,
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
R2-R4 ARE MINORS REP. BY R1
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R5;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R6;
SRI. SURESH S. GUNDI, ADVOCATE FOR R7)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
1988, AGAINST THE JUDGMENT AND AWARD DATED:07.04.2015
PASSED IN MVC NO.231/2011 ON THE FILE OF THE I ADDITIONAL
SENIOR CIVIL JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, AWARDDING COMPENSATION OF RS.
7,18,500/- WITH INTEREST AT 6% P.A. FROM THE DATE OF
PETITION TILL ITS REALISATION.

IN MFA NO.102141/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011

REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE
INSURANCE COMPANY LTD.,
SUBRAMANIAM BUILDING,
IIND FLOOR ANNASALAI, CHENNAI-600002

...APPELLANT

(BY SRI.G N RAICHUR, ADVOCATE)

AND:

1. KUMARI. VAISHALI D/O SURESH KATTIMANI
AGE:12 YEARS, OCC. STUDENT MINOR BY GUARDIAN
M/G NATURAL FATHER SURESH
S/O SAHADEVAPPA KATTIMANI
AGE:40 YEARS,OCC. COOLIE
R/O ASAR ONI HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
1988, AGAINST THE JUDGMENT AND AWARD DATED:07.04.2015
PASSED IN MVC NO.232/2011 ON THE FILE OF THE I ADDITIONAL
SENIOR CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR
ACCIDENT CLAIMS TRIBUNAL, HUBBALLI, AWARDING

COMPENSATION OF RS. 20,000/- WITH INTEREST AT 6% P.A.
FROM THE DATE OF PETITION TILL ITS REALISATION.

IN MFA NO.102142/2015:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., CENTRE POINT
BUILDING OPP. SANJEEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
POL NO.VGC 0070795000101 VALID FROM
29.01.2010 TO 28.01.2011
REPRESENTED BY AUTHORIZED SIGNATORY
ROYAL SUNDARM ALLIANCE INSURANCE COMPANY LTD.,
SUBRAMANIYAM BUILDING, IIND FLOOR ANNASALAI
CHENNAI-600002

...APPELLANT

(BY SRI.G N RAICHUR, ADVOCATE)

AND:

1. NAGRAJ S/O BASAPPA HANCHINAL
AGE:29 YEARS, OCC. PAINTER
R/O SHIVASHANKAR COLONY
NEAR SIDDHARUD MATH HUBBALLI
2. M/S HANDA TRANSPORT CO.LTD.,
TRAFFIC ISLAND P.B. ROAD, HUBBALLI
OWNER OF LORRY NO.KA25/A5220
3. SRI. NISAR AHMAD S/O NOOR AHMAD
HARIHAR, AGE: MAJOR, OCC. OWNER
OF TATA ACE NO.KA-25/C-4071
R/O SAHADEV NAGAR OLD HUBBALLI
SIDDHARUD MATH CROSS, HUBBALLI
4. THE DEPUTY MANAGER
RELIANCE GENERAL INSURANCE COMPANY LIMITED
KALBURGI SQUARES DEHSPANDE NAGAR
IIIRD FLOOR, DESAI CROSS
HUBBALLI

...RESPONDENTS

(BY SRI. C B PATIL , ADVOCATE FOR R1;
SRI. VINOD S. PAWAR, ADVOCATE FOR R-1;

SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED:07.04.2015 PASSED IN MVC NO.260/2011 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI, AWARDED COMPENSATION OF RS. 31,950/- WITH INTEREST AT 6% P.A. FROM THE DATE OF PETITION TILL ITS REALISATION.

IN MFA NO.102844/2015:

BETWEEN

ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD
CENTER POINT BUILDING
OPP TO SANJEVANI PRINTING PRESS
NEW COTTON MARKET HUBBALLI
REP BY ITS AUTHORIZED SIGNATORY
ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD
IIIIRD FLOOR SUBRAMANIYAM BUILDING NO.1
CLUB HOUSE ROAD, CHENNAI

...APPELLANT

(BY SRI. G N RAICHUR, ADVOCATE)

AND:

1. KUMAR MANIKHANT S/O SURESH KATTIMANI
AGE:15 YEARS, OCC:STUDENT MINOR
BY GUARDIAN NATURAL FATHER
SURESH SAHDEVAPPA KATTIMANI
AGE:40 YEARS, OCC:COOLIE
R/O:SHIVASHANKAR COLONY
NEAR SIDDARUDHMATH HUBBALLI
2. M/S HANDA TRANSPORT CO LTD.,
TRAFFIC ISLAND P.B.ROAD, HUBBALLI
3. SRI.NISAR AHMAD S/O NOOR AHMAD HARIHAR
AGE:MAJOR, R/O:PLOT NO.307,
7TH CROSS, SAHADEV NAGAR,

OLD HUBBALLI, HUBBALLI

4. RELIANCE GENERAL INSURANCE COMPANY LIMITED
HAVING ITS BRANCH OFFICE AT CTS NO.472-474 V.A
KALBURGI SQUARES DESAI CROSS
DESHPANDE NAGAR, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R-1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MV ACT, 1988, AGAINST
THE JUDGMENT & AWARD DATED:26.06.2015, PASSED IN
MVC.NO.82/2011, ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNAL, HUBBALLI, AWARDING COMPENSATION OF RS.32,500/-
ALONG WITH INTEREST AT THE RATE OF 6% P.A. FROM THE DATE
OF PETITION TILL REALIZATION.

IN MFA NO.102846/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE
INSURANCE CO.LTD., IIIRD FLOOR,
SUBRAMANIYAM BUILDING NO.1
CLUB HOUSE ROAD CHENNAI,
REPRESENTED BY ITS AUTHORIZED SIGNATORY
ROYAL SUNDRAM ALLIANCE INSURANCE COMPANY LTD
IIIRD FLOOR, SUBRAMANIYAM BUILDING NO.1
CLUB HOUSE ROAD CHENNAI

...APPELLANT

(BY SRI.G N RAICHUR, ADVOCATE)

AND:

1. SMT SHOBHA SIDDAPPA DODDAMANI
AGE:25 YEARS, OCC:NOT FURNISHED
R/O:SHIVASHANKAR COLONY
OLD HUBBALLI
HUBBALLI

2. M/S HANDA TRANSPORT CO LTD.,
TRAFFIC ISLAND P.B.ROAD, HUBBALLI
3. SRI.NISAR AHMAD S/O NOOR AHMAD HARIHAR
AGE:MAJOR,R/O:PLOT NO.307,
7TH CROSS, SAHADEV NAGAR,
OLD HUBBALLI, HUBBALLI
4. RELIANCE GENERAL INSURANCE
COMPANY LIMITED
HAVING ITS BRANCH OFFICE AT
CTS NO.472-474 V.A
KALBURGI SQUARES DESAI CROSS,
DESHPANDE NAGAR, HUBBALLI

...RESPONDENTS

(BY SRI. VINOD S. PAWAR, ADVOCATE FOR R-1;
SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
AGAINST THE JUDGMENT & AWARD DATED:26.06.2015, PASSED IN
MVC.NO.220/2012 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNAL, HUBBALLI, AWARDING THE COMPENSATION OF
RS.13,400/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE
DATE OF PETITION TILL ITS REALIZATION.

IN MFA NO.102847/2015:

BETWEEN:

ROYAL SUNDARAM ALLIANCE INSURANCE COMPANY LTD
IIIRD FLOOR SUBRAMANIYAM BUILDING NO.1
CLUB HOUSE ROAD CHENNAI
REP BY ITS AUTHORIZED SIGNATORY
ROYAL SUNDARAM ALLIANCE
INSURANCE COMPANY LTD
IIIRD FLOOR SUBRAMANIYAM
BUILDING NO.1, CLUB HOUSE ROAD CHENNAI

...APPELLANT

(BY SRI.G N RAICHUR, ADVOCATE)

AND:

1. ROHIT SIDDAPPA DODDAMANI
AGE:11 YEARS,
MINOR BY GUARDIAN NATURAL
FATHER SIDDAPPA DODDAMANI
R/O:SHIVASHANKAR COLONY
OLD HUBBALLI, HUBBALLI
2. M/S HANDA TRANSPORT CO LTD.,
TRAFFIC ISLAND P.B.ROAD
HUBBALLI
3. SRI.NISAR AHMAD
S/O NOOR AHMAD HARIHAR
AGE:24, R/O:PLOT NO.307,
7TH CROSS, SAHADEV NAGAR,
OLD HUBBALLI, HUBBALLI
4. RELIANCE GENERAL INSURANCE
COMPANY LIMITED
HAVING ITS BRANCH OFFICE
AT CTS NO.472-474 V.A
KALBURGI SQUARES DESAI CROSS
DESHPANDE NAGAR, HUBBALLI

...RESPONDENTS

(R1 DECEASED;
BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R2;
SRI. RAGAVENDRA PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE FOR R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
AGAINST THE JUDGMENT & AWARD DATED:26.06.2015, PASSED IN
MVC.NO.221/2012 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS
TRIBUNAL, HUBBALLI, AWARDING THE COMPENSATION OF
RS.7,900/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE
DATE OF PETITION TILL ITS REALIZATION.

IN MFA CROB NO.100115/2016:

BETWEEN:

1. SMT.PADMA W/O SAHADEVAPPA KANANA
AGED ABOUT: 42 YEARS,OCC: HOUSEHOLD WORK,
R/O: SHIVASHANKAR COLONY,
OLD HUBBALLI, TQ: HUBBALLI, DIST: DHARWAD.
SINCE DECEASED BY LRS
- 1A) SRI. SDEVAPPA S/O. PAKIRAPPA KANANA,
AGED ABOUT 70 YEARS, OCC: COOLIE
R/O: SHIVASHANKAR COLONY
OLD HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD.
- 1B) SRI. FAKIRAPPA, S/O. SADEVAPPA KANANA
AGED ABOUT 45 YEARS, OCC: COOLIE,
R/O: SHIVASHANKAR COLONY
OLD HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD.
- 1C) SRI. NAGARAJ, S/O. SADEVAPPA KANANA
AGED ABOUT 40 YEARS, OCC: COOLIE
R/O: SHIVASHANKAR COLONY
OLD HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD.
- 1D) SMT. MALLAMMA, W/O. RAJU BILANA
AGED ABOUT 49 YEARS, OCC: HOUSEHOLD WORK,
R/O: SHIVASHANKAR COLONY
OLD HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD.

...CROSS OBJECTORS

(BY MISS RAJESHWARI A. MANNUR, ADVOCATE FOR
SRI. G I GACHCHINAMATH, ADVOCATE)

AND:

1. M/S HANDA TRANSPORT COMPANY
TRAFFIC ISLAND HUBBALLI
TQ: HUBBALLI, DIST: DHARWAD

2. ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.,
III FLOOR, SUBRAMANIAM BUILDING,
NO.1, CLUB HOUSE ROAD, CHENNAI.
3. NISAR AHMED S/O NOOR AHMED HARIHAR
R/O: PLOT NO. 30, 7TH CROSS
SAHADEV NAGAR, OLD HUBLI
HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD
4. RELIANCE GENERAL INSURANCE
HAVING BRANCH OFFICE AT
CTS NO.472-474, KALBURGI SQUARE, DESAI CROSS,
DESHPANDE NAGAR HUBBALLI
TQ: HUBBALLI, DIST: DHARWAD

...RESPONDENTS

(BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R1;
SRI. G.N. RAICHUR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA A. PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA.CROB IS FILED U/ORDER 41 RULE 22 OF CPC
AGAINST THE JUDGMENT AND AWARD DATED:26.06.2015 PASSED
IN MVC NO.222/2012 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, HUBBALLI, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

IN MFA CROB NO.100170/2016:

BETWEEN:

LATE SRI. BASAPPA
S/O DURAGAPPA HANCHINMANI,
EXPIRED, HENCE HIS LEGAL HAIRS ARE
BROUGHT ON RECORDS,

1. SRI.PARSURAM
S/O BASAPPA HANCHINMANI,
AGE: 35 YEARS, OCC: PAINTER,

2. SRI.NAGARAJ S/O BASAPPA HANCHINMANI,
AGE: 35 YEARS, OCC: PAINTER,

BOTH ARE R/O: SHIVASHANKAR COLONY,
NEAR SIDDHARUDHAMATH, HUBLI

(SINCE BOTH THE CROSS OBJECTORS ARE
ALREADY ON RECORD)

...CROSS OBJECTORS

(BY SRI.VINOD S PAWAR, ADV.)

AND

1. M/S HANDA TRANSPORT CO. LTD.,
TRAFFIC ISLAND, P.B. ROAD, HUBBALLI,
(OWNER OF LORRY NO.
KA-25/A-5220)

2. ROYAL SUNDARAM ALLIANCE
INSURANCE CO. LTD.,
CENTRE POINT BUILDING,
OPP. SANGEEVANI PRINTING OPRESS,
NEW COTTON MARKET,
HUBLI,
(POL. NO.VGC.0070795000101)
VALID FROM 29/01/2010 TO 28/01/2011.

3. SRI.NISAR AHAMAD
S/O NOORAHAMAD HARIHAR,
AGE: MAJOR,
OCC: OWNER OF TATA ACE
NO.KA-25/C-4071,
R/O: SAHADEVANAGAR,
OLD HUBBALLI,
NEAR SIDDARUDMATH CROSS,
HUBLI.

4. THE DEPUTY MANAGER,
RELIANCE GENERAL INSURANCE CO. LTD.,
KALBURGI SQUARES, DESHPANDE NAGAR,
IIIRD FLOOR, DESAI CROSS, HUBBALLI.

...RESPONDENTS

(BY SMT.SUNITA P KALASOOR, ADV. FOR R1,

SRI.G.N.RAICHUR, ADV. FOR R2,
SRI.SURESH S GUNDI, ADV. FOR R4,
SRI.RAGHAVENDRA PUROHIT, ADV.
FOR SRI.DINESH M KULKARNI, ADV. FOR R3)

THIS MFA.CROB IS FILED U/ORDER 41 RULE 22 OF CPC
AGAINST THE JUDGMENT AND AWARD DATED:07.04.2015 PASSED
IN MVC NO.65/2011 ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL,
HUBBALLI, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA CROB NO.100171/2016:

BETWEEN:

SRI.RAMAPPA, S/O DURAGAPPA HANCHINAMANI,
AGE: 46 YEARS, OCC: COOLIE,
R/O: SHIVASHANKAR COLONY,
NEAR SIDDHARUDHAMATH, HUBBALLI.

...CROSS OBJECTOR

(BY SRI. VINOD S. PAWAR, ADVOCATE)

AND:

1. M/S HANDA TRANSPORT CO. LTD.,
TRAFFIC ISLAND,P.B. ROAD, HUBBALLI,
(OWNER OF LORRY NO.KA-25/A-5220)
2. ROYAL SUNDARAM ALLIANCE
INSURANCE CO. LTD.,
CENTRE POINT BUILDING,
OPP. SANJEVANI PRINTING OPRESS,
NEW COTTON MARKET, HUBLI,
(POL. NO.VGC.0070795000101)
VALID FROM 29/01/2010 TO 28/01/2011.
3. SRI.NISAR AHAMAD
S/O NOORAHAMAD HARIHAR,
AGE: MAJOR, OCC: OWNER OF TATA ACE
NO.KA-25/C-4071,
R/O: SAHADEVANAGAR, OLD HUBBALLI,
NEAR SIDDARUDMATH CROSS, HUBLI.

4. THE DEPUTY MANAGER,
RELIANCE GENERAL INSURANCE CO. LTD.,
KALBURGI SQUARES, DESHPANDE NAGAR,
IIIRD FLOOR, DESAI CROSS, HUBLI.

...RESPONDENTS

(BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R1;
SRI. G.N. RAICHUR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA A. PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA.CROB IS FILED U/ORDER 41 RULE 22 OF CPC.,
R/W SEC. 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD
DATED: 07.04.2015 PASSED IN MVC NO.67/2011 ON THE FILE OF
THE I ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER,
ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA CROB NO.100172/2016:

BETWEEN:

SRI.RAMAPPA
S/O DURAGAPPA HANCHINAMANI,
AGE: 46 YEARS, OCC: COOLIE,
R/O: SHIVASHANKAR COLONY,
NEAR SIDDHARUDHAMATH, HUBBALLI.

...CROSS OBJECTOR

(BY SRI. VINOD S. PAWAR, ADVOCATE)

AND:

1. M/S HANDA TRANSPORT CO. LTD.,
TRAFFIC ILAND, P.B. ROAD, HUBBALLI,
(OWNER OF LORRY NO. KA-25/A-5220)
2. ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.,
CENTRE POINT BUILDING,
OPP. SANEEVANI PRINTING OPRESS,
NEW COTTON MARKET, HUBBALLI,
(POL. NO.VGC.0070795000101)

VALID FROM 29/01/2010 TO 28/01/2011.

3. SRI.NISAR AHAMAD
S/O NOORAHAMAD HARIHAR,
AGE: MAJOR,OCC: OWNER OF TATA ACE
NO.KA-25/C-4071,R/O: SAHADEVANAGAR,
OLD HUBBALLI,NEAR SIDDARUDMATH CROSS,
HUBBALLI.
4. THE DEPUTY MANAGER,
RELIANCE GENERAL INSURANCE CO. LTD.,
KALBURGI SQUARES,DESHPANDE NAGAR,
IIIRD FLOOR,DESAI CROSS,HUBBALLI.

...RESPONDENTS

(BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R1;
SRI. G.N. RAICHUR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA A. PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA.CROB IS FILED U/ORDER 41 RULE 22 OF CPC.,
R/W SEC. 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND
AWARD DATED: 07.04.2015 PASSED IN MVC NO.70/2011 ON THE
FILE OF THE I-ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER,
ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA CROB NO.100173/2016:

BETWEEN

SRI.SUDERSHAN, S/O RAMAPPA HANCHINAMANI,
AGE: 28 YEARS,OCC: PAINTER,
R/O: SHIVASHANKAR COLONY,
NEAR SIDDHARUDHAMATH, HUBBALLI.

...CROSS OBJECTOR

(BY SRI. VINOD S. PAWAR, ADVOCATE)

AND:

1. M/S HANDA TRANSPORT CO. LTD.,
TRAFFIC ISLAND,P.B. ROAD, HUBBALLI,

- (OWNER OF LORRY NO.KA-25/A-5220)
2. ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.,
CENTRE POINT BUILDING,OPP.
SANGEEVANI PRINTING PRESS,
NEW COTTON MARKET,HUBBALLI,
(POL. NO.VGC.0070795000101)
VALID FROM 29/01/2010 TO 28/01/2011.
3. SRI.NISAR AHAMAD, S/O NOORAHAMAD HARIHAR,
AGE: MAJOR,OCC: OWNER OF TATA ACE
NO.KA-25/C-4071, R/O: SAHADEVANAGAR,
OLD HUBBALLI, NEAR SIDDARUDMATH CROSS,
HUBBALLI.
4. THE DEPUTY MANAGER,
RELIANCE GENERAL INSURANCE CO. LTD.,
KALBURGI SQUARES,DESHPANDE NAGAR,
IIIRD FLOOR,DESAI CROSS,
HUBBALLI.

...RESPONDENTS

(BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R1;
SRI. G.N. RAICHUR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA A. PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA.CROB IS FILED U/ORDER 41 RULE 22 OF CPC.,
R/W SEC. 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND
AWARD DATED: 07.04.2015 PASSED IN MVC NO.71/2011 ON THE
FILE OF THE I-ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER,
ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA CROB NO.100174/2016:

BETWEEN

LATE SRI. SURESH
S/O SAHADEVAPPA KATTIMANI,
EXPIRED ON 27.09.2015
HENCE REP. BY HIS LEGAL HEIRS

1. PRAKASH S/O SAHADEVAPPA
KATTIMANI,
AGE: 42 YEARS, OCC: BUSINESS
2. SRI.MANIKANT S/O SURESH KATTIMANI,
AGE: 16 YEARS, OCC: NIL,
3. KUMARI VAISHALI
D/O SURESH KATTIMANI,
AGE: 13 YEARS, OCC: NIL,
4. KUMAR.SIDHARTHA
S/O SURESH KATTIMANI,
AGE: 11 YEARS, OCC: NIL,

CROSS OBJECTOR NOS.2 TO 4 ARE MINORS
HENCE BY THEIR M/G THEIR UNCLE
CROSS OBJECTOR NO.1

ALL ARE R/O: ASAR ONI,
NEAR DURGADEVI TEMPLE
SIDDHARUDHAMATH, OLD HUBLI.

(SINCE LEGAL HEIRS ARE ALREADY ON RECORD)

...CROSS OBJECTORS

(BY SRI.VINOD S PAWAR, ADV.)

AND

1. M/S HANDA TRANSPORT CO. LTD.,
TRAFFIC ISLAND,
P.B. ROAD, HUBBALLI,
(OWNER OF LORRY NO.KA-25/A-5220)
2. ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.,
CENTRE POINT BUILDING,
OPP. SANGEEVANI PRINTING OPRESS,
NEW COTTON MARKET,
HUBLI,
(POL. NO.VGC.0070795000101)
VALID FROM 29/01/2010 TO 28/01/2011.

3. SRI.NISAR AHAMAD
S/O NOORAHAMAD HARIHAR,
AGE: MAJOR, OCC: OWNER OF TATA ACE
NO.KA-25/C-4071, R/O: SAHADEVANAGAR,
OLD HUBLI, NEAR SIDDARUDMATH CROSS, HUBLI.
4. THE DEPUTY MANAGER,
RELIANCE GENERAL INSURANCE CO. LTD.,
KALBURGI SQUARES, DESHPANDE NAGAR,
IIIRD FLOOR, DESAI CROSS, HUBLI.

...RESPONDENTS

(BY SMT. SUNITA P. KALASOOR, ADVOCATE FOR R1;
SRI. G.N. RAICHUR, ADVOCATE FOR R2;
SRI. RAGHAVENDRA A. PUROHIT, ADVOCATE FOR
SRI. DINESH M. KULKARNI, ADVOCATE R3;
SRI. SURESH S. GUNDI, ADVOCATE FOR R4)

THIS MFA.CROB IS FILED U/ORDER 41 RULE 22 OF CPC.,
R/W SEC. 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND
AWARD DATED: 07.04.2015 PASSED IN MVC NO.231/2011 ON THE
FILE OF THE I-ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER,
ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS AND MFA CROSS-OBJECTIONS COMING ON
FOR ORDERS THIS DAY, COURT DELIVERED THE FOLLOWING:

JUDGMENT

Though these appeals are listed for orders today,
with the consent of the parties, they are taken up for final
disposal.

2. It is stated that in MFA No.102845/2015,
respondent No.1 is reported to be dead. Hence, the

Insurance Company or the claimants are at liberty to file necessary LR application before the Tribunal as this Court is remanding the matter for fresh disposal in accordance with law.

3. Applications for bringing the LR's of deceased persons being allowed in the cross-objections, separate applications need not be filed by the cross-objectors before the Tribunal and the cross-objectors are also permitted to come on record before the Tribunal in the claim petitions.

4. These appeals are filed by the Insurance Company and the claimants challenging the validity of the judgments and awards as under:

| MVC Number | Appeal Number | Amount awarded by the Tribunal in (Rs.) | Name of the Tribunal |
|------------|---|---|---|
| 220/2012 | MFA No.102846/2015 by the Insurance Company | 13,400 | II Additional Senior Civil Judge and AMACT, Hubli |
| 221/2012 | MFA No.102847/2015 by the Insurance Company | 7,900 | |
| 222/2012 | MFA CROB. No.100115/2016 by the claimants | 1,25,500 | |

| | | | |
|---------|--|----------|---|
| | MFA No.102845/2015 by the Insurance Company | | II Additional Senior Civil Judge and AMACT, Hubli |
| 60/2011 | MFA No.102127/2015 by the Insurance Company | 31,950 | I Additional Senior Civil Judge and AMACT, Hubli |
| 61/2011 | MFA No.102128/2015 by the Insurance Company | 46,950 | |
| 62/2011 | MFA No.102129/2015 by the Insurance Company | 21,950 | |
| 64/2011 | MFA No.102130/2015 by the Insurance Company | 31,950 | |
| 65/2011 | MFA CROB. No.100170/2016 by the claimants MFA No.102131/2015 by the Insurance Company | 5,70,000 | |
| 66/2011 | MFA No.102132/2015 by the Insurance Company | 36,950 | |
| 67/2011 | MFA CROB. No.100171/2016 by the claimants MFA No.102133/2015 by the Insurance Company | 6,78,000 | |
| 68/2011 | MFA No.102134/2015 by the Insurance Company | 36,950 | |
| 69/2011 | MFA No.102135/2015 by the Insurance Company | 36,950 | |
| 70/2011 | MFA CROB. No.100172/2016 by the claimants MFA No.102136/2015 by the Insurance Company | 5,70,000 | |
| 71/2011 | MFA CROB. No.100173/2016 by the claimants MFA No.102137/2015 by the Insurance Company | 2,00,000 | |
| 72/2011 | MFA No.102138/2015 by the Insurance Company | 20,000 | |

| | | | |
|----------|--|-----------------|---|
| 230/2011 | MFA No.102139/2015 by the Insurance Company | 22,900 | I Additional Senior Civil Judge and AMACT, Hubli |
| 231/2011 | MFA CROB. No.100174/2016 by the claimants MFA No.102140/2015 by the Insurance Company | 7,18,500 | |
| 232/2011 | MFA No.102141/2015 by the Insurance Company | 20,000 | |
| 260/2011 | MFA No.102142/2015 by the Insurance Company | 31,950 | |
| 81/2011 | -- | Claim dismissed | II Additional Senior Civil Judge and AMACT, Hubli |
| 82/2011 | MFA No.102844/2015 by the Insurance Company | 32,500 | |
| 560/2011 | MFA No.24319/2012 by the Insurance Company | 1,27,100 | Principal Senior Civil Judge and AMACT, Belagavi |

5. Brief facts of the appeals and cross-objections are as under:

Claim petitions came to be filed under Section 166 of the Motor Vehicles Act contending that the claimants being the inmates of TATA ACE vehicle bearing No.KA-25/C-4071 which met with an accident on account of rash and negligent driving of the driver of lorry bearing No.KA-25/A-5220 on 11.01.2011 at about 11.30 p.m. when they

were proceeding from Jamakhandi to Hubli on Belagavi-Bagalkot road.

6. Claim petitions were resisted by filing written statements by the Insurance Company as well as the owner of the lorry. During the pendency of the claim petitions, at the instance of the Insurance Company of the lorry, the owner and insurer of TATA ACE vehicle were also impleaded before the MACT, Hubli. However, there was no such impleadment of the owner and the Insurance Company of the TATA ACE vehicle before the MACT, Belagavi. Both the Tribunals after raising appropriate issues and after considering the oral and documentary evidence on record, allowed the claim petitions filed by the claimants and awarded the compensation as referred to supra and directed the Insurance Company of the lorry to pay the adjudged compensation. Being aggrieved by the impugned judgments and awards, Insurance Company of the lorry

has preferred these appeals and being aggrieved by the meagre sum of quantum of compensation awarded by the Tribunals in respect of accidental deaths, the dependants of deceased persons have also filed cross objections as referred to herein supra.

7. Learned counsel, Sri.G.N.Raichur for the appellant-Insurance Company of the lorry vehemently contended that in the absence of proper endorsement in the driving licence of the driver of the lorry, the Insurance Company is not liable to pay the compensation as admittedly gas cylinders were being carried in the lorry which is a hazardous substance. Therefore, the Insurance Company is not liable to pay the compensation.

8. He further points out that RW.1 who is the representative of the owner of the lorry, categorically admitted in his cross-examination that as on the date of the accident, gas cylinders were being carried and he has

also admitted that the gas cylinders were being transported at the time of the accident and there is no endorsement in the driving licence of the driver of the lorry. He further admitted that it is the duty of the owner of the lorry to verify that the driving licence of the driver of the lorry has proper endorsement to drive a lorry which carries hazardous substance. He further contended that the Tribunal ignored these admissions in toto and fastened liability on the Insurance Company of the lorry and therefore, sought for allowing the appeals filed by the Insurance Company and shifting liability on the owner of the lorry.

9. Per contra, learned counsel Smt.Sunita P Kalasoor representing the owner of the lorry contended that there is no evidence on record to show that whether gas cylinders were filled with gas or they were empty cylinders that were being carried as on the date of the accident. Taking a stray admission that gas being

transported in the oral evidence of RW.1, the Insurance Company cannot disown its liability and thus, sought for dismissal of the appeals.

10. She further contended that in view of the principles of law enunciated in the case of ***New India Assurance Company Limited vs. Shri.Velumurugan V. and Another*** reported in ***ILR 2015 KAR 393***, it is not necessary for a driver of lorry to have an endorsement when the driver is actually driving the vehicle which did not contain hazardous substance at the time of accident but the vehicle is meant for carrying hazardous substance. Therefore, she contended that the Tribunal has taken into consideration all relevant aspects and fastened the liability rightly on the Insurance Company and sought for dismissal of the appeals.

11. Learned counsel, Sri.Vinod S Pawar and Miss.Rajeshwari A Mannur, representing

Sri.G.I.Gachchinamath for the claimants supported the impugned judgments. Insofar as the negligence of the driver of the lorry is concerned, they further contended that the amount awarded by the Tribunal is not inconsonance with the principles of law enunciated in the cases of ***National Insurance Company Limited Vs. Pranay Sethi and Others*** reported in ***(2017) 16 SCC 680*** and ***United India Insurance Company Limited Vs. Satinder Kaur and Others*** reported in ***2020 ACJ 2131***.

12. Sri.Suresh S Gundi, learned counsel representing the Insurance Company of the TATA ACE vehicle supported the impugned judgments. He contended that the charge sheet came to be filed against the driver of the lorry and therefore, no contributory negligence could be attributed to the TATA ACE vehicle and thus sought for dismissal of the appeals filed by the Insurance Company.

13. In view of the rival contentions of the parties, the following point would arise for consideration:

"Whether the matter requires reconsideration before the Tribunal?"

14. In the case on hand, the accidental injuries sustained by the claimants and the accidental deaths that occurred in respect of inmates of TATA ACE vehicle which met with an accident on 11.01.2011 on account of rash and negligent driving of the driver of the lorry bearing No.KA-25/A-5220 near Karakoppa on Belagavi-Bagalkot road stands established by placing necessary oral and documentary evidence on record.

15. Admittedly, a criminal case came to be registered by the jurisdictional police in respect of the accident and the police after thorough investigation filed charge sheet against the driver of the lorry. Therefore, the contentions urged on behalf of the Insurance Company that the driver of the TATA ACE vehicle is also

responsible for the accident cannot be countenanced in law.

16. Be that as it may, the only point that whether the Insurance Company can avoid liability based on the fact that there was no proper endorsement in the driving licence held by the driver of the lorry as on the date of the accident to carry hazardous goods is a question that is to be decided. In this regard, the Tribunal relied on the judgment of this Court. Therefore, the only point that would be looked into is, in the teeth of admissions given by the representative of the owner of lorry in the cross-examination on behalf of the Insurance Company to the effect that it was the duty of the owner to verify whether the driving licence of the driver of the offending lorry had a proper endorsement for transporting hazardous substance and that as on the date of accident gas was being transported in the lorry, whether the Insurance Company can be absolved from its liability?

17. However, on close scrutiny of the cross-examination of RW.1, it is seen that there is an admission that the gas cylinders were being transported at the time of the accident but there is no clinching evidence on record except RW.1 saying that gas cylinders were being transported. Whether the cylinders which were transported in the lorry were filled up cylinders or empty cylinders, there is no evidence on record. RW.1 or the owner of the lorry was required to produce necessary evidence in that regard and to show that the Insurance Company is liable to pay the adjudged compensation. Even in the case of *New India Assurance Company Limited* (supra), the Division Bench of this Court took into consideration that at the time of the accident the tanker was empty and therefore, ruled that the Insurance Company is liable to pay the compensation. In the absence of proper clinching evidence on record that as on the date of the accident the lorry contained only empty

cylinders or filled up gas cylincers, this Court cannot apply the principles of law enunciated in the case of *New India Assurance Company Limited* (supra) directly to the facts of the case.

18. At this stage, Smt.Sunitha P Kalasoor prayed for leading additional evidence in this regard as some documentary evidence would be available to establish whether the lorry carried empty cylinders or filled up cylinders. Since it goes to the very root of the matter in deciding the liability of the Insurance Company or the owner, as the case may be, which is sufficiently of larger financial implication, this Court is of the considered opinion that a chance be provided for the parties to place additional evidence on record only with regard to the fact that whether the offending lorry carried the hazardous substance or not at the time of the accident. The ends of justice would also be met by permitting the parties to place additional evidence. To that limited extent, the

matter requires reconsideration which will also decide the quantum of compensation apart from liability to pay the adjudged compensation. Accordingly, point is answered in affirmative and pass the following:

ORDER

(i) Appeals filed by the Insurance Company are hereby allowed.

(ii) The impugned judgments and awards are hereby set aside.

(iii) Consequently, the cross-objections are disposed of without expressing any opinion on the merits of the matter reserving liberty for the claimants to urge for the enhanced compensation before the Tribunal applying the principles of law enunciated in the case of *National Insurance Company Limited Vs. Pranay Sethi and Others* reported in (2017) 16 SCC 680 as well as *United India Insurance Company Limited Vs. Satinder Kaur and Others* reported in 2020 ACJ 2131.

(iv) Insofar as liability of the Insurance Company or the owner of the lorry is concerned, the parties are at liberty to place additional evidence on record only with regard to the fact to determine whether the offending lorry carried the hazardous substance at the time of the accident or not.

(v) Parties shall appear before the respective Tribunals without further notice positively on **8th November, 2021**.

(vi) In view of the fact that the claim petitions are of the year 2011 and 2012, definite time frame is also required to be fixed and therefore, the claim petitions are to be disposed of afresh in accordance with law on or before **30th April, 2022**.

(vii) Amount in deposit, if any, is ordered to be refunded to the Insurance Company for the time being under due identification.

(viii) It is made clear that this Court has not expressed any opinion on the merits of

the matter insofar as hazardous substance being carried or not in the offending lorry as on the date of the accident.

(ix) Insofar as the negligence of the driver of the lorry and the accidental injuries and the deaths sustained by the inmates of TATA ACE vehicle is concerned, the finding recorded by the Tribunal is maintained.

(x) In view of the above, pending I.A's, if any, do not survive for consideration.

(xi) Ordered accordingly.

**Sd/-
JUDGE**

Sh
CT:TM