



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 68 OF 2019 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.2282 OF 2022(MV-D)

IN MFA No. 68/2019

BETWEEN:

M/S DELHI GUJARAT ROAD CARRIERS
B-368, PHASE-I, SUSHANT LOK
GURGOAN, HARYANA 122002(HR.)

ALSO AT:
DELHI GUJARATH ROAD, (FLEET)
CARRIERS PVT LTD.,
SHOP NO.8TH, GYR COMPLEX,
NEAR RAJESHWARI WEIGH BRIDGE,
MADANAYAKANHALLI,
TUMAKUR ROAD,
BENGALURU-562 123.

...APPELLANT

(BY SRI. SURESH M LATUR, ADVOCATE)

AND:

1. SMT. K.C LAKSHMI
AGED ABOUT 36 YEARS
W/O LATE SUNIL KUMAR

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



2. MASTER GOVERDHAN S. KUMAR
AGED ABOUT 16 YEARS
S/O LATE SUNIL KUMAR
MINOR, REPRESENTED BY
NATURAL GUARDIAN
SMT:K.C. LAKSHMI
BOTH ARE R/AT WARD NO.4,
2ND CROSS, HOSAKOTE,
BENGALURU RURAL,
KARNATAKA-562 114.
3. BAJAJ ALLIANZ GEN. INS. CO. LTD.,
GOLDEN HEIGHTS, 4TH FLOOR,
NO.1/2, 59TH 'C' CROSS,
IV M BLOCK, RAJAJINAR,
BENGALURU-560 010.
4. SMT. H.N. BHAGIRATHI
@ BHAGYAMMA
AGED ABOUT 69 YEARS
W/O LATE PUTTARAJ
R/AT KARAGADAHALLI VILLAGE
GADHIHALLI POST, AJJAMPUR HOBLI,
TARIKERE TALUK,
CHIKMAGALUR DISTRICT-577 228.

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K.T, ADVOCATE FOR R1 & R2,
(R2 MINOR REP. BY R1)
SRI. B. PRADEEP, ADVOCATE FOR R3,
R4 - SERVED - UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED : 31.07.2018 PASSED IN MVC
NO.1708/2015 ON THE FILE OF THE XXII ADDITIONAL SMALL
CAUSES JUDGE AND MEMBER MACT, COURT OF SMALL
CAUSES, BENGALURU, AWARDING COMPENSATION OF
RS.35,36,000/- WITH INTEREST AT 8% P.A. FROM THE DATE
OF PETITION, TILL DEPOSIT.



IN MFA NO. 2282/2022

BETWEEN:

1. SMT. K.C LAKSHMI
W/O LATE SUNIL KUMAR
AGED ABOUT 38 YEARS
2. MASTER GOVERDHAN S KUMAR
S/O LATE SUNILKUMAR
AGED ABOUT 18 YEARS

BOTH ARE RESIDING AT WARD NO.4
H. CROSS, HOSAKOTE
BENGALURU RURAL DISTRICT-560 077

...APPELLANTS

(BY SRI. GURUDEV PRASAD K.T, ADVOCATE)

AND:

1. DELHI GUJARAT ROAD CARRIER
B-368, PHASE-1 SUSHANT LOK
GURGOAN, HARYANA
OWNER OF THE LORRY BEARING
NO.HR-55 N-8347

ALSO AT:

DELHI GUJARAT ROAD (FLEET)
CARRIERS PVT LTD., SHOP NO.8
GYR COMPLEX
NEAR RAJESHWARI WEIGH BRIDGE
MADANAYAKANAHALLI
TUMKUR ROAD
BENGALURU - 562 123

2. BAJAJ ALLIANCE GEN INS CO LTD.,
GOLDEN HEIGHTS
4TH FLOOR NO.1/2
59TH 'C' CROSS, IV M BLOCK,
RAJAJINAGAR, BENGALURU - 560 010



3. SMT. H.N BHAGIRATHI @ BHAGAYAMMA
W/O LATE PUTTARAJ
AGED ABOUT 71 YEARS
R/AT KARAGADAHALLI VILLAGE
GADHIHALLI POST, AJJAMPUR HOBLI
TARIKERE TALUK
CHIKMAGALUR DIST.
PIN-762 112

...RESPONDENTS

(BY SRI. SURESH M LATUR, ADVOCATE FOR R1,
SRI. B. PRADEEP, ADVOCATE FOR R2,
R3 - SERVED - UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 31.07.2018 PASSED
IN MVC NO.1708/2015 ON THE FILE OF THE XXII
ADDITIONAL SMALL CAUSES JUDGE AND MEMBER, MACT,
BENGALURU, PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

These two appeals have been filed aggrieved by the
award passed by the Motor Accident Claims Tribunal Small
Causes, Bengaluru in MVC No.1708/2015 dated 31.07.2018.



2. MFA No.68/2019 is by the owner of the offending vehicle, whereas the MFA No.2288/2022 is by the claimants for enhancement of compensation.

3. So far as the appeal filed by the owner is concerned, the only question is whether the owner can be held liable for payment of compensation, in case when the accident caused by the vehicle owned by the owner and in case the vehicle was driven by a person, who was not having a driving license.

4. On the basis of evidence produced by the parties, it is established that the driver of the offending vehicle, Mr. Mohd. Aasib did not have any driving license and he was having the driving license of Mr. Raveen, S/o. Suleman Khan. Thus, the offending vehicle was driven by a person who did not possess a driving license. The judgment cited by the learned counsel for the appellant-owner in ***Nirmala Kothari Vs. United India Insurance company Ltd., - (2020) 4 SCC 49*** is not applicable to the facts of the present case, inasmuch as in that case the driver was having fake driving license and despite due diligence exercised by the owner, he could not



ascertain the validity of the license held by the driver and therefore, we are of the considered view, that the said judgment has no relevance to the facts and circumstances of the case.

5. Insofar as the appeal of the claimant is concerned i.e., MFA.No.2282/2022, Mr. Gurudev Prasad K.T., learned counsel appearing for the claimants submits that he has no grievance so far as the amount of dependency is concerned, but under conventional heads, the Tribunal has not awarded the just and proper compensation. The Tribunal has awarded the following compensation to the claimants:

1.	Loss of dependency	Rs.34,66,080/-
2.	Loss of Consortium	Rs. 40,000/-
3.	Loss of estate	Rs. 15,000/-
4.	Funeral and obsequies ceremony expenses	Rs. 15,000/-
	Total	Rs.35,36,080/-

6. There are two claimants and each claimant is entitled for loss of consortium of Rs.40,000 plus 10% increase after every three years. Thus, the two claimants would be



entitled for the loss of consortium of Rs.48,400/- each, beside the conventional head i.e., Rs.36,300/-. Thus, the claimants are entitled for modified compensation as under,

1.	Loss of dependency	Rs.34,66,080/-
2.	Loss of Consortium (Rs.48,400 X 2)	Rs. 96,800/-
3.	Conventional head	Rs. 36,300/-
	Total	Rs.35,99,180/-

7. The Tribunal has awarded interest at the rate of 8% per annum, which is on higher side and there is no exceptional circumstance to award higher rate of interest at the rate of 8% p.a. We, therefore, reduce the interest at the rate of 6% p.a. from the date of filing of claim petition till date of realization. Thus, the claimants are entitled for compensation of Rs.35,99,180/- along with interest at the rate of 6% from the date of filing of claim petition till date of realisation.

8. Accordingly, the appeal of the claimants i.e., MFA.No.2282/2022 is **allowed-in-part** and the appeal of the owner i.e., MFA.No.68/2019 is also **allowed-in-part** only in respect of award of interest.



NC: 2025:KHC:41350-DB
MFA No. 68 of 2019
C/W MFA No. 2282 of 2022

9. Any sums deposited before this Court shall be remitted to the Motor Accident Claim Tribunal for making payment of compensation as directed to the claimants.

SD/-
(D K SINGH)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 SI No.: 27