



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 7690 OF 2013 (MV-D)

BETWEEN:

1. MRS RAZIABI
AGED ABOUT 70 YEARS,
W/O LATE GHOUSE SAB,
2. HAMEEDA BANU
AGED ABOUT 37 YEARS,
D/O LATE GHOSE SAB,
3. SYED UMMER SAB
AGED ABOUT 42 YEARS,
S/O LATE GHOSE SAB,

ALL ARE RESIDING AT
BILLESHWARA GWRAMA,
HUMCHA HOBLI,
HOSANAGARA TALUK,
SHIMOGA DISTRICT



...APPELLANTS

(BY SRI. ABUBACKER SHAFI, ADVOCATE)

AND:

1. MRS PREMA
AGED ABOUT 50 YEARS,
R/O. KODURU VILLAGE,
HOSANAGARA TALUK,
SHIMOGA DISTRICT



2. SATHISHCHANDRA
S/O MALLAPPA,
MAJOR,
R/O P.B. ROAD,
NEW OIL MILL,
DAVANAGERE
OWNER OF THE TANKER
BEARING REG. NO.KA17/5515
3. AMANULLA KHAN
S/O H. HUSSAIN KHAN,
MAJOR,
R/O. AHAMED NAGARA,
NEAR CHAMARAJAPETE
VEGETABLE MARKET,
DAVANAGERE
DRIVER OF THE TANKER
BEARING REG. NO.KA17/5515
4. THE NEW INDIA ASSURANCE CO. LTD
249/142, SHAMANUR BUILDING,
CHAMARAJAPETE,
DAVANAGERE
POLICYNOO. 571200/02/00540

...RESPONDENTS

(BY SRI. A RAVISHANKAR, ADVOCATE FOR R4
NOTICE TO R1 TO R3 IS DISPENSED WITH
V/O DTD 27.3.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.01.2013 PASSED IN MVC
NO.240/2003 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE, & JMFC, SAGAR, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

1. The present appeal is filed by the claimants impugning the judgment and award dated 19.01.2013 passed in MVC No.240/2003¹ by the Additional Senior Civil Judge and JMFC, Sagar². The Tribunal by the impugned judgment has awarded a compensation of ₹2,80,000/- to claimant Nos.1 and 2 and ₹1,38,000/- to claimant No.4. In the present appeal, the appellants (claimant Nos.1 to 3) seek for setting aside the compensation awarded to claimant No.4 and awarding of the entire compensation in favour of claimant Nos.1 to 3.

2. The relevant facts in a nutshell leading to the present appeal are that claiming compensation for the death of deceased (Sri Syed Ahamed) in a road traffic accident which occurred on 13.07.2003, his mother, sister and brother (claimant Nos.1, 2 and 3 respectively) filed a claimant petition (MVC No.240/2003). Subsequently, pursuant to the order dated 12.08.2004 passed by the Tribunal, claimant No.4 (who

¹ hereinafter referred to as the 'impugned judgment'

² hereinafter referred to as the 'Tribunal'



is arrayed as respondent No.1 in the present appeal) was impleaded as the wife the deceased. The Tribunal, vide the impugned judgment has awarded a total compensation of ₹2,80,000/- in favour of claimant Nos.1 and 2 and ₹1,38,000/- in favour of claimant No.4.

3. Although learned counsel for the appellants vehemently contends that the compensation ought not to have been awarded to respondent No.1 (who was arrayed as claimant No.4) since she was a stranger, the Tribunal, consequent to claimant No.4 coming on record framed an additional issue as to whether claimant No.4 is the legally wedded wife of the deceased at the relevant point of time. While answering issue No.4, the Tribunal has in detail appreciated the oral and documentary evidence on record and recorded a finding that deceased and claimant No.4 had lived together as husband and wife for several years prior to the death of the deceased. Hence, additional issue No.1 was answered in favour of claimant No.4.



4. In view of the detailed appreciation of the evidence by the Tribunal, there is no ground to interfere with the said finding recorded by the Tribunal.

5. It is also sought to be contended by the claimants that the compensation awarded by the Tribunal is required to be enhanced. Upon a re-appreciation of the oral and documentary evidence on record, it is clear that the assessment of compensation is marginally on the higher side. However, this Court does not deem it expedient to interfere with the quantum of compensation in the present appeal filed by the claimants.

6. In view of the aforementioned, the above appeal is dismissed as being devoid of merit.

SD/-
(C.M. POONACHA)
JUDGE