



NC: 2026:KHC:12438
MFA No. 372 of 2015
C/W MFA No. 2251 of 2015
MFA No. 2613 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 372 OF 2015 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 2251 OF 2015 (MV-I)

MISCELLANEOUS FIRST APPEAL NO. 2613 OF 2015 (MV-D)

IN MFA No. 372/2015

BETWEEN:

1. SMT YASHODA
W/O LATE RAJANNA,
AGED ABOUT 38 YEARS,
RESIDING AT 385/5 (139),
6TH CROSS, L.N.PURA,
SRIRAMPURA,
BANGALORE-21.

...APPELLANT

(BY SRI. B. KESHAVAMURTHY, ADVOCATE)

AND:

SRI RAMAKRISHNA
S/O SRI MUNIYAPPA,
SINCE DECEASED REPTED, BY HIS LRS.,

1. SMT.R.NAGAMMA,
W/O MAHENDRA.T,
AGED 57 YEARS,
R/AT NAGAMMA BUILDING,





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KASAYIBEEDHI, YELAHANKA,
BANGALORE - 64.

2. SRI.R.MUNIRAJ
S/O LATE BALLE RAMAKRISHNAPPA @
RAMAKRISHNA,
AGED BOUT 55 YEARS,
OCC:SERVICE,
R/O WHEEL AND AXEL
PLANT QUARTERS,
YELAHANKA,
BANGALORE-64.
3. SRI.R.VENKATESH
S/O LATE RAMAKRISHNAPPA
@ RAMAKRISHNA,
AGED ABOUT 53 YEARS,
OCC:SERVICE,
NO.22-71, 5TH MAIN,
VIVEKANANDA NAGAR,
BANGARAPET-563 114
4. SMT.R.SAVITHRAMMA
S/O LATE RAMAKRISHNAPPA
@ RAMAKRISHNA,
AGED 52 YEARS,
R/AT KASAYIBEEDHI, YELAHANKA,
BANGALORE-64.
5. SIR.R.JAYARAM
S/O LATE BALLERAMAKRISHNAPPA @
RAMAKRISHNA,
AGED ABOUT 48 YEARS,
OCC:SERVICE,
R/AT BALE ANJANEYA TEMPLE ROAD,



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YELAHANKA,
BANGALORE-64.

6. SMT.R.SHASHIKALA
W/O V.SHANKAR,
AGED 43 YEARS,
R/AT HOUSING BOARD COLONY,
5TH PHASE, NEAR BUS STAND,
YELAHANKA NEW TOWN,
BANGALORE.
7. SRI RAMESH.R
S/O RAMAKRISHNAPPA,
R/AT ABBENAHALLI VILLAGE,
MADIVALA POST,
BANGALORE-58.
8. THE MANAGER
ICICI LOMBARD GENERAL
INSURANCE COMPANY LIMITED,
NO.62/1, RICHMOND ROAD,
BANGALORE-25.

...RESPONDENTS

(BY SRI. A.N. KRISHNASWAMY, ADVOCATE FOR R8
R1, R4, R5 - SERVED VIDE ORDER DATED 16.01.2020
SERVICE OF NOTICE TO R2, R3, R6 AND R7 ARE H/S)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 26.11.2013 PASSED IN MVC
NO.2101/2009 ON THE FILE OF THE X ADDITIONAL SMALL
CAUSE JUDGE, & 35TH ACMM, MACT, BANGALORE, AWARDING



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COMPENSATION OF Rs.6,21,000/- WITH INTEREST @ 8% P.A.
FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO. 2251/2015

BETWEEN:

1. SRI MUNIRAJU
S/O SRI KONDAPPA
AGED ABOUT 33 YEARS
OCC:PAINTER
R/O NO.86, A BLOCK
MASZID GALLI,
HEBBALA
BANGALORE-24

...APPELLANT

(BY SRI. SURESH M. LATUR, ADVOCATE)

AND:

1. SRI RAMESH R
S/O RAMAKRISHNAPPA
R/O ABBENAHALLI VILLAGE
MADIVALA POST, MALLUR
BANGALORE-58
2. THE MANAGER
ICICI LOMBARD GENERAL INSURANCE CO LTD
NO. 62/1, RICHMOND ROAD
BANGALORE-25

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 26.11.2013 PASSED



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IN MVC NO.2102/2009 ON THE FILE OF THE 10TH
ADDITIONAL SMALL CAUSES JUDGE & 35TH ACMM, MACT,
BENGLAURU CITY, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 2613/2015

BETWEEN:

SRI RAMAKRISHNA S/O SRI MUNIYAPPA,
SINCE DECEASED REPTD BY HIS LR

1. SMT R NAGAMMA,
W/O MAHENDRA T
AGED 60 YEARS,
OCC HOUSE WIFE,
R/NO.NAGAMMA BUILDING,
KASAYI BEEDHI, YELAHANKA,
BANGALORE-560064
2. SRI R MUNIRAJ
S/O LATE BALLE RAMAKRISHNAPPA
@ RAMAKRISHNA,
AGED 58 YEARS,
OCC SERVICE
R/OP. WHEEL & AXEL PLANT QUARTERS,
YALAHANKA,
BANGALORE-562064
3. SRI R VENKATESH
S/O LATE BALLE RAMAKRISHNAPPA
@ RAMAKRISHNA
AGED 56 YEARS,
OCC: SERVICE
R/NO.22-71, 5TH MIAN,



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VIVEKANANDA NAGAR,
BANGALORE-563114

4. SMT R SAVITHRAMMA
D/O LATE BALLE RAMAKRISHNAPPA
@ RAMAKRISHNA
KASAYI BEEDHI,
YALAHANAKA,
BANGALORE-560064

5. SRI R JAYARAM
S/O LATE BALLE RAMAKRISHNAPPA
@ RAMAKRISHNA
AGED ABOUT 50 YEARS,
R/O BALE ANJANEYA TEMPLE ROAD,
YELAHANKA,
BANGALORE-560064

6. SMT R SHASHIKALA
W/O SRI V SHANKAR
AGED ABOUT 45 YEARS,
OCC HOUSE WIFE
R/O HOUSING BOARD COLONY,
5TH PHASE, NEAR BUS STAND,
YELAHANKA TOWN,
BANGALORE-560064

...APPELLANTS

(BY SRI. SURESH M LATUR.,ADVOCATE)

AND:

1. SRI RAMESH R
S/O SRI RAMAKRISHNAPPA
ABBENAHALLI VILLAGE,
MADIVALA POST, MALUR,
BANGALORE-560058



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2. THE MANAGING DIRECTOR
ICICI LOMBARD GENERAL
INSURANCE CO LTD
NO.62/1, RICHMOND ROAD,
BANGALORE-560025

3. SMT YASHODA
W/O LATE RAJANNA,
AGE 40 YEARS,
R/O NO.793, 12TH BLOCK,
NMIG, 5TH PHASE,
YELAHANKA NEW TOWN,
BANGALORE-560064

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2
VIDE ORDER DATED 17.01.2017,
NOTICE TO R1 AND R3 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 26.11.2013 PASSED
IN MVC NO.2101/2009 ON THE FILE OF THE X ASCJ &
35TH ACMM, BANGALORE CITY, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



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ORAL JUDGMENT

Heard the arguments of the learned counsel for the appellants and learned counsel for the contesting respondents in these appeals. The ranks of the parties are retained as per Tribunal for the sake of convenience.

2. The appellant filed MFA.No.372/2015 challenging the judgment and award passed in MVC.No.2101/2009 dated 26.11.2013 and seeking enhancement of compensation awarded by the Tribunal. The manner of accident shows that on 10.12.2008, Rajanna @ Raju was driving a motorcycle bearing Reg.No.KA-03-EG-6089 along with one Muniraju. When they reached near D.P.Pura Town, opposite to Church, D.Cross, a Lorry bearing Reg.No.KA-19-3264 came from T.B.Circle in a high speed with rash and negligent manner and dashed motorcycle. As a result, Rajanna sustained fatal injuries and died and Muniraju/pillion rider sustained injuries. The father of the deceased-Rajanna initially filed the petition and when he died during the pendency of the



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petition, his children i.e., brothers and sisters of the deceased-Rajanna were made as parties and wife of the deceased-Rajanna was also made as party as respondent No.3 and they filed claim petition claiming compensation of Rs.15,00,000/-. The Tribunal considering the entire evidence on record, granted an amount of Rs.6,21,000/- with interest at the rate of 8% per annum. Aggrieved by the said order, wife of the deceased-Yashoda preferred this appeal mainly contending that the original petitioner in claim petition dated 21.01.2009 died and his other married children though they are not depending on the deceased-Rajanna nor depending on the deceased-Ramakrishna, impleaded themselves as the legal heirs of the deceased claimant-Ramakrishna. The deceased-Rajanna was aged 34 years at the time of the accident, he was doing furniture and real estate business and was earning Rs.20,000/- per month. But the Tribunal has taken notional income of Rs.4,500/- and no future prospects are granted, '16' multiplier was applied and amounts granted



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under other heads are meager and interest is granted at the rate of 8% instead of 12%. Thus, requested for enhancement of compensation.

3. Learned counsel for respondent No.8 stated that the appellant is a divorcee wife but the appellant's counsel filed copy of the judgment in M.C.No.8/2000 dated 09.02.2001. Smt. Yashoda filed divorce petition against Lakshminarayana and their marriage was dissolved by a decree of divorce. Later she married deceased-Rajanna. It is stated that in Ex.R10-rental agreement, it is shown that Yashoda is wife of the deceased-Rajanna. As such, it could be considered that she is wife of the deceased as on the date of accident.

4. Admittedly, the father of the deceased was aged 70 years and he died during the pendency of the petition and the brothers and sisters of the deceased-Rajanna are married and not dependents on him. He met with an accident in the year 2008. Though it is stated that



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the deceased-Rajanna was earning Rs.20,000/- per month, no income proof is filed. As the accident is of the year 2008, the notional income of the deceased is to be taken as Rs.4,500/- per month as per the chart prepared by the Karnataka State Legal Services Authority and as he was aged 34 years at the time of accident, the multiplier applicable is '16' and he is entitled for 40% towards future prospects and $1/3^{\text{rd}}$ is to be deducted towards personal expenses. Therefore, the 'loss of dependency' comes to **Rs.8,06,400/-** ($4500+40\% \times 12 \times 16 - 1/3^{\text{rd}}$).

5. Learned counsel for the appellant further stated that in Ex.R17-insurance policy, the name of the appellant is shown as nominee. The brothers and sisters of the deceased-Rajanna filed MFA.No.2251/2015 and learned counsel appearing for the appellants in that matter stated that Yashoda is not wife of the deceased. Ex.R1 is the divorce petition but in that the husband of the Yashoda is shown as Lakshminarayana and the divorce was granted in the year 2001. Ex.R8 was issued on 06.08.2006 and



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Ex.R9 was issued on 09.08.2006. MFA.No.2251/2015 is filed by the brothers and sisters of the deceased-Rajanna and counsel for the appellants in that appeal stated that Yashoda is not wife of the deceased-Rajanna but they have not filed any documents to dispute his version.

6. This Court finds that Yashoda was wife of the deceased-Rajanna at the time of accident. The appellant-Yashoda is entitled for an amount of **Rs.40,000/-** towards 'spousal consortium' and she is also entitled for **Rs.30,000/-** under the conventional heads. Accordingly, the total compensation is enhanced from **Rs.6,21,000/- to Rs.8,76,400/-**.

7. The insurance company/respondent No.8 has already deposited the compensation of Rs.6,21,000/-. Therefore, insurance company/respondent No.8 is directed to deposit the enhanced amount of **Rs.2,55,400/-** ($8,76,400 - 6,21,000 = 2,55,400$) with interest at the rate of 6% per annum within one month from the date of this



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order. On such deposit, the appellant is permitted to withdraw entire amount along with interest accrued on it. Accordingly, MFA.No.372/2015 is ***allowed in part.***

8. I.A.No.1/2015 was allowed vide order dated 27.01.2021 condoning the delay of 255 days in preferring the appeal by stating that if the appellant succeeds in the appeal, she is not entitled to interest for the delayed period of 255 days.

9. MFA.No.2613/2015 is filed against the MVC.No.2101/2009 by the father, brothers and sisters of the deceased-Rajanna claiming to be his legal heirs. But in view of the discussion made in MFA.No.372/2015, they are neither the dependents nor legal heirs of the deceased-Rajanna and there are no merits in the appeal and accordingly, appeal is ***dismissed.***

10. MFA.No.2251/2015 is filed by the appellant-injured claimant challenging the judgment and award of the Tribunal in MVC.No.2102/2009 and claiming



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enhancement of compensation. The Tribunal considering the evidence on record, granted Rs.2,71,568/- with interest at the rate of 8% per annum. Aggrieved by the said order, he preferred this appeal and contended that the appellant examined the Doctor as PW.2, who stated that the appellant is suffering from 37% disability. The appellant was aged 28 years, working as painter and earning Rs.10,000/- per month. But the Tribunal granted meager amounts under the other heads and also taken his income on lower side and thus requested for enhancement of compensation.

11. The appellant as per wound certificate sustained the following injuries, which are grievous in nature, out of which, 1 and 2 are grievous in nature and 3 and 4 are simple.

1. *(left) Brachial artery cut injury.*
2. *Fracture distal end of phalanx of right thumb.*
3. *Chest contusion and*
4. *Contusion of left ankle.*



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12. Further, the Doctor stated that the petitioner underwent surgery of skin grafting for right four arm and stated that he was complaining the following issues:

- 1. He cannot bear any weight in both hands.*
- 2. (right) hand is totally functionless and useless.*
- 3. (left) upper limb is badly deformed and ugly scars present.*
- 4. He cannot eat himself.*
- 5. He is dependent on others for his all routine activities and earnings.*

13. Thus, the Doctor assessed the disability as 37% and disfigurement to the whole body. The Tribunal has taken the whole body disability as 12%. Photos are filed under Ex.P9 but disability certificate is not issued by the Doctor. The petitioner was aged 28 years at the time of accident and was working as painter. Considering the nature of work and injuries sustained by him and the medical evidence, this Court finds it reasonable to take disability as 18%. Though the petitioner stated that he was earning Rs.10,000/- per month, he has not produced



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any income proof. As he met with an accident in the year 2008, his notional income is to be taken as Rs.4,500/- per month and thus 'loss of future earning capacity' comes to **Rs.1,65,240/-** ($4500 \times 12 \times 17 \times 18\% = 1,65,240$).

14. As per Ex.P10, the petitioner has spent **Rs.4,408/-** towards medical expenses and the said amount is already granted by the Tribunal and it needs no interference. The petitioner was hospitalized for a period of 17 days as per the discharge summary filed before the Court. Considering the nature of injuries, his occupation and period of hospitalization, this Court finds it reasonable to grant another sum of **Rs.50,000/-** towards 'pain and sufferings' and **Rs.30,000/-** towards 'loss of amenities' and **Rs.30,000/-** towards 'attendant, nourishment and conveyance charges'. The petitioner might not have attended any other work atleast for a period of four months. Therefore, **Rs.18,000/-** ($4500 \times 4 = 18,000$) is granted under the head 'loss of income during laid up period'. PW.2-Doctor stated that the petitioner requires



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corrective surgeries for right hand and estimated the cost of surgeries at Rs.1,50,000/-. The Tribunal granted **Rs.75,000/-** under the head 'future medical expenses' and it is confirmed. Therefore, the total compensation is enhanced from **Rs.2,71,568/- to Rs.3,72,648/-**. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1	Loss of future earning capacity	1,65,240/-
2	Medical expenses	4,408/-
3	Pain and sufferings	50,000/-
4	Loss of amenities	30,000/-
5	Attendant, nourishment and conveyance charges	30,000/-
6	Loss of income during laid up period	18,000/-
7	Future medical expenses	75,000/-
	Total	3,72,648/-

15. The insurance company/respondent No.2 has already deposited the awarded amount of Rs.2,71,568/- before the Tribunal. Therefore, the insurance company/respondent No.2 is directed to deposit the



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enhanced compensation of **Rs.1,01,080/-** (3,72,648-2,71,568=1,01,080) with interest at the rate of 6% per annum within one month from the date of receipt of this order. On such deposit, the petitioner/appellant is permitted to withdraw entire amount along with interest accrued on it. Accordingly, MFA.No.2251/2015 is ***allowed in part.***

Sd/-
(P SREE SUDHA)
JUDGE