



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE S RACHAIAH

REGULAR FIRST APPEAL NO. 2014 OF 2018 (RES)

C/W

REGULAR FIRST APPEAL NO. 843 OF 2020 (MON)

IN RFA NO.2014/2018

BETWEEN:

1. TRIVENI MAHENDRA KODKANY
W/O MAHENDRA KODKANY
AGED ABOUT 49 YEARS
R/AT 1804, "ROSE"
REGENCY GARDEN, PLOT NO.10
SECTOR-6, KHARGAR
NAVI MUMBAI-410 210
2. KHYATHI MAHENDRA KODKANY
D/O MAHENDRA KODKANY
AGED ABOUT 20 YEARS
R/AT 1804, "ROSE"
REGENCY GARDEN, PLOT NO.10
SECTOR-6, KHARGAR
NAVI MUMBAI-410 210
3. KEDAR MAHENDRA KODKANY
S/O MAHENDRA KODKANY
AGED ABOUT 18 YEARS
R/AT 1804, "ROSE"
REGENCY GARDEN, PLOT NO.10





SECTOR-6, KHARGAR
NAVI MUMBAI-410 210

...APPELLANTS

(BY SRI YASHIR ALI, ADVOCATE)

AND:

1. SMT. MALA RAMESH KODKANY
W/O RAMESH KODKANY
AGED ABOUT 80 YEARS
HOUSEHOLD
R/AT CLUB ROAD, OLD DANDELI
DANDELI, HALIYAL TALUK
(N.K.) 581 325

SINCE DECEASED REPRESENTED BY
HER LEGAL REPRESENTATIVES

- 1(A) MAYA S. RAO
WIFE OF SHRI SATISH RAO
AGED ABOUT 56 YEARS
FLAT NO.1003, 10TH FLOOR
VAISHNAVI OASIS APARTMENT
J.P. NAGAR, 9TH PHASE
ANJANAPURA MAIN ROAD
TIPPU CIRCLE, AWALAHALLI
BENGALURU-560 062

- 1(B) SANJIVANI G. BANAVALI
WIFE OF SHRI GOPAL BANAVALI
AGED ABOUT 53 YEARS
CARE OF SMT. SUDHA G. GAWAS
APARTMENT NO. 301, 3RD FLOOR
"AAMANTRAN SQUARE" APARTMENTS
OPP. CONGRESS WELL
M.G. COLONY, 1ST GATE
TILAKWADI, BELGAUM-590 006
(VIDE ORDER DATED 04.04.2024)



2. RAJENDRA RAMESH KODKANY
S/O RAMESH KODKANY
AGED ABOUT 56 YEARS
PETTY BUSINESS
R/AT CLUB ROAD
OLD DANDELI
DANDELI, HALIYAL TALUK (N.K.)
581 325
3. UNION OF INDIA
MINISTRY OF CIVIL AVIATION DEPARTMENT
NEW DELHI-110 012
REPRESENTED BY THE SECRETARY
4. MANAGING DIRECTOR
NATIONAL AVIATION COMPANY OF
INDIA LTD.,
NEW DELHI-110 012

...RESPONDENTS

(BY SRI SHRIDHAR PRABHU, ADVOCATE FOR R-2;
SMT. ANUPAMA HEGDE, CGSC FOR R-3;
SRI VASANT KOPPAR, ADVOCATE FOR SRI R.V. NAIK,
ADVOCATE FOR R-4;
R-1(A) AND R-1(B) ARE SERVED AND UNREPRESENTED)

THIS RFA IS FILED UNDER SECTION 96 OF CPC AGAINST
THE JUDGMENT AND DECREE DATED 28.09.2018 PASSED IN
O.S.NO.76/2012 ON THE FILE OF THE PRINCIPAL SENIOR
CIVIL JUDGE AND CJM, MANGALURU, D.K., PARTLY DECREERING
THE SUIT FOR COMPENSATION.



IN RFA NO. 843/2020

BETWEEN:

1. SMT. MALA
KOM RAMESH KODKANY
AGED ABOUT 80 YEARS
R/AT CLUB ROAD
OLD DANDELI
DANDELI, HALIYAL TALUK (N.K)
581325

...APPELLANT

(BY SRI SHRIDHAR PRABHU, ADVOCATE)

AND:

1. UNION OF INDIA
REP. BY SECRETARY
MINISTRY OF CIVIL AVIATION DEPARTMENT
NEW DELHI-110 003
2. NATIONAL AVIATION COMPANY
OF INDIA LIMITED
REP. BY MANAGING DIRECTOR
NEW DELHI-110 003
3. SMT. TRIVENY MAHENDRA KODKANY
W/O MAHENDRA KODKANY
AGED ABOUT 50 YEARS
R/AT NO.1804, "ROSE"
REGENCY GARDEN, PLOT NO.10
SECTOR-6, KHARGAR
NAVI MUMBAI-410 210
4. KHYATI MAHENDRA KODKANY
D/O MAHENDRA KODKANY
AGED ABOUT 21 YEARS



**NC: 2026:KHC:16446-DB
RFA No. 2014 of 2018
C/W RFA No. 843 of 2020**

R/AT NO.1804, "ROSE"
REGENCY GARDEN, PLOT NO.10
SECTOR-6, KHARGAR
NAVI MUMBAI-410 210

5. KEDAR MAHENDRA KODKANY
S/O MAHENDRA KODKANY
AGED ABOUT 19 YEARS
R/AT NO.1804, "ROSE"
REGENCY GARDEN, PLOT NO.10
SECTOR-6, KHARGAR
NAVI MUMBAI-410 210

...RESPONDENTS

(BY SRI SHANTHI BHUSHAN, ASGI A/W
SRI AJAY PRABHU M, CGSC FOR R-1;
SRI VASANT KOPPAR, ADVOCATE FOR SRI R.V. NAIK,
ADVOCATE FOR R-2;
SRI YASHIR ALI, ADVOCATE FOR R-3 TO R-5)

THIS RFA IS FILED UNDER ORDER 41 RULE 1 R/W
SECTION 96 OF CPC AGAINST THE JUDGMENT AND
DECREE DATED 28.09.2018 PASSED IN O.S.NO.76/2012
ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND
CJM AT MANGALURU, D.K., PARTLY DECREETING THE SUIT
FOR RECOVERY OF MONEY.

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 S RACHAIAH

ORAL JUDGMENT

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

I BACKGROUND:

1. The present Regular First Appeals have been filed under Order XLI Rule 1 read with Section 96 of the Code of Civil Procedure, 1908 (CPC) impugning the judgment and decree dated 28.09.2018 passed by the learned Principal Senior Civil Judge and CJM, Mangaluru, D.K., in Original Suit No.76/2012 .

2. The Trial Court has partly decreed the suit in favour of the plaintiff No.1 for a sum of Rs.70,00,000/- with proportionate costs against the defendant Nos.3, 4 and 5 whereas, the claim of the other two plaintiffs namely, Ramesh Keshav Kodkany (dead) and Rajendra Ramesh Kodkany, who are the father and brother respectively of the deceased, was rejected.



3. RFA No.2014/2018 has been filed by the defendant Nos.3, 4 and 5, who are the wife, daughter and son of the deceased Mahendra Kodkany whereas, RFA No.843/2020 has been filed by the plaintiff No.1, who is the mother of the deceased Mahendra Kodkany. The said Mahendra Kodkany died in an air crash.

4. The parties are referred to as per their ranking before the Trial Court, for the sake of convenience.

II FACTS:

5. The facts necessary for adjudication of the present appeals are stated as under:-

On 22.05.2010, Flight IX 812 of Air India Express from Dubai to Mangalore crashed at Mangalore Airport. One of the passengers aboard the ill-fated aircraft who died in the accident was Mahendra Kodkany. The deceased Mahendra Kodkany was an expat employed as Regional Director for Middle Eastern Region with GTL Overseas (Middle East) FZ-LLC. The defendant No.3-wife submitted a claim on 10.03.2011 for compensation from Air India. The Air India



paid an amount of Rs.4,00,00,000/ to her on 20.03.2012 against an indemnity. Apart from this, an amount of Rs.40,00,000/- was paid to the parents of the deceased Mahendra Kodkany. On 18.04.2012, the parents and the brother of the deceased Mahendra Kodkany instituted the aforesaid Original Suit No.76/2012 against the Air India claiming compensation. As mentioned above, the Trial Court, vide its judgment and decree dated 28.09.2018, has decreed the claim of the mother of the deceased for an amount of Rs.70,00,000/- against the defendant No.3, 4 and 5. The claim of the father (dead) and the brother of the deceased came to be rejected.

6. A complaint was instituted on 18.05.2012 by the defendant Nos.3, 4 and 5, who are the wife, daughter and son of the deceased, in Consumer Complaint No.140/2012 before the National Consumer Disputes Redressal Commission (NCDRC) claiming compensation of INR 13.42 crores together with interest @ 18% p.a. from the date of the accident and for other consequential payments.



7. The Air India contested the proceedings before the NCDRC. The NCDRC, vide its order dated 10.12.2018, allowed the said complaint and awarded compensation of AED 58,81,135 equivalent to Rs.7,35,14,187/- on the basis of a conversion rate of Rs.12.50 per AED. The NCDRC noted that an amount of Rs.40,00,000/- had been paid to the parents of the deceased apart from a sum of Rs.4,00,00,000/- which was paid to the complainants. Both the amounts were directed to be deducted from the Rupee equivalent to AED 58,81,135. The balance of the principal sum due was determined at Rs.2,95,14,187/- and the said amount was directed to be paid along with interest @ 9% p.a. from 22.05.2010 till the date on which the amount of Rs.40,00,000/- was paid to the parents of the deceased. The complainants were held to be entitled to interest on the amount of Rs.6,95,14,187/- with effect from the date on which the payment of Rs.40,00,000/- was made to the parents of the deceased till the date the amount of Rs.4,00,00,000/- was paid to the complainants. They were also held entitled to interest on the remaining amount with effect from the date on which Rs.4,00,00,000/- was paid to



the complainants till the date on which the entire principal amount would be paid.

8. The order passed by the NCDRC dated 10.12.2018 came to be challenged before the Supreme Court by the defendant Nos.3, 4 and 5 as well as by the Air India in Civil Appeal No.2914/2019 and Civil Appeal No.5862/2019 respectively.

9. The Supreme Court, vide judgment dated 03.03.2020, has disposed of the said civil appeals holding the total amount of compensation on account of the death of Mahendra Kodkany in the air crash of Flight IX 812 of Air India Express on 22.05.2010 at Mangalore Airport as Rs.7,64,29,437/- with interest @9% p.a. on the same basis as awarded by the NCDRC. It was directed that the balance, if any, that remains due and payable to the complainants after giving due credit for the amount which had already been paid, should be paid over within a period of two months from the date of receipt of the certified copy of the order. It was also directed that in the event the amount which had been paid by the Air India was in excess of the



amount payable under the judgment of the Supreme Court, the excess, if any, would not be recoverable from the claimants and this direction was given under Article 142 of the Constitution of India.

III CONCLUSION:

10. Thus, the entire amount of compensation which was determined by the Supreme Court on account of the death of Mahendra Kodkany in the air crash on 22.05.2010 has been determined as Rs.7,64,29,437/-. This amount would include the amount of Rs.4,00,00,000/- paid to the spouse and children as also the amount of Rs.40,00,000/- paid to the mother of the deceased. Therefore, no further compensation can be determined or paid to anyone on account of the death of Mahendra Kodkany in the air crash. Therefore, the Trial Court was right in holding that the total compensation was Rs.4,40,00,000/- which was paid even before the claim got adjudicated by the NCDRC and the Supreme Court and the plaintiff No.1-mother being entitled to 1/4th share in the said compensation, a further sum of



Rs.70,00,000/- has to be paid by the defendant Nos.3, 4 and 5 to the plaintiff No.1.

11. Having considered the facts and circumstances of the case and also the judgment of the Supreme Court which has determined the total compensation on account of the death of Mahendra Kodkany in the air crash on 22.05.2010 as Rs.7,64,29,437/- which would include the compensation already paid, we are of the view that no further compensation is payable by the Air India either to the defendant Nos.3, 4 and 5 or to the plaintiff No.1. We find no error in the impugned judgment and decree passed by the Trial Court. However, we observe that if the plaintiff No.1 feels that she is entitled for more share in the compensation as determined by the Supreme Court, she may take appropriate proceedings as permitted under the law, as the plaintiff No.1/respondent No.1 has been held to be entitled for further sum of Rs.70,00,000/- as when the Trial Court passed the impugned judgment and decree, the compensation amount was determined as Rs.4,40,00,000/- inasmuch as the judgment of the Supreme Court came to be



passed on 03.03.2020 in Civil Appeal Nos.2914/2019 and 5862/2019 wherein the total compensation has been determined as Rs.7,64,29,437/- inclusive of Rs.4,40,00,000/- already paid by the Air India.

12. We, therefore, dismiss these appeals, however, without costs.

13. In view of dismissal of the appeals, pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(S RACHAIAH)
JUDGE

CT-SN
BKV
List No.: 1 Sl No.: 9