



HC-KAR

IN THE HIGH COURT OF KARNATAKA

AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.100300 OF 2023

(MV-D)

BETWEEN:

SMT. PADMAVATI
W/O. CHANABASAPPA KALBURGI,
AGE: 77 YEARS,
OCC: HOUSEHOLD WORK,
R/O. HUNNUR,
TQ: JAMKHANDI,
DIST: BAGALKOT-587 301.

...APPELLANT

(BY SRI. SIDDAPPA S.SAJJAN, ADVOCATE)

AND:

1. SRI. RAMNARAYAN S/O. PUKHARAM
AGE: 52 YEARS,
OCC: BUSINESS,
C/O. ROOPASANGAM GRAMENTS,
UMARAMESHWAR ROAD,
JAMKHANDI,
DIST: BAGALKOT-587301.

VISHAL
NINGAPPA
PATTIHAL



Digitally signed by
VISHAL NINGAPPA
PATTIHAL
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH



2. THE BRANCH MANGER
NATAIONAL INLSURANCE CO. LTD.,
SECTOR 25, SECTOR 63A,
NAVANAGAR,
BAGALKOT-587301.

...RESPONDENTS

(BY SRI. S.C.BHUTI, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS
FILED UNDER SECTION 173 (1) OF MOTOR
VEHICLES ACT, AGAINST THE JUDGMENT AND
AWARD DATED 25.03.2022 PASSED IN MVC
NO.188/2021 ON THE FILE OF THE ADDITIONAL
SENIOR CIVIL JUDGE AND VI MOTOR ACCIDENT
CLAIMS TRIBUNAL, JAMAKHANDI, PARTLY
ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION; AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR)

This appeal is directed against the judgment and award dated 25.03.2022 passed in MVC No.188/2021 by Additional Senior Civil Judge and VI MACT, Jamakhandi.

2. The facts leading to filing of claim petition are as under;

The claimant is the mother of deceased - Nagappa, who breathed his last in the motor vehicle accident occurred on 19.03.2021 at about 07.45 p.m. when he was returning to village Hunnur riding bicycle on Jamkhandi -Kudachi road near Maruthi Temple, at that time a motorcycle bearing No.KA-48/X-4851 came there from Jamkhandi side being driven by its rider in a high-speed, rash and negligent manner and caused accident dashing bicycle from back side. Due to the said impact, the deceased fell on the ground, sustained injuries, and died on



20.03.2021 while under treatment. The deceased was stated to be aged 54 years and was earning Rs.40,000/- per month by doing art painting work. The motorcycle was owned by respondent No.1 and insured with respondent No.2.

3. Respondent No.1 in the written statement has contended that the motorcycle is duly insured with respondent No.2 and policy was enforced at the time of the incident and rider was holding valid driving licence and as such the liability to indemnify is on the respondent No.2 -insurer.

4. Respondent No.2 resisted the claim containing that there is no nexus between accident and motorcycle though Nagappa died due to some other reason. The rider of motorcycle was not holding a valid driving licence and therefore, there is violation of terms and conditions of the policy. The insurer has denied that the accident has taken place due to the negligence of rider of motorcycle. The insurer has also



denied the age, avocation and income of the deceased and contented that compensation claimed is exorbitant.

5. On the aforesaid pleadings, the Tribunal has framed the following issues;

- i) *“Whether petitioner proves that on 19.03.21 at about 7.45 PM, deceased Nagappa was returning to village Hunnur riding bicycle on Jamkhandi-Kudachi road, near Maruti Temple, met with an accident and sustained injuries and died while under treatment, due to actionable negligence on the part of rider of motorcycle bearing No.KA-48/X-4851 as contended?*
- ii) *Whether petitioner is entitled to compensation, if so, how much?*
- iii) *What order or award?”*

6. The claimant has been examined as P.W.1 and got marked documents as Ex.P.W.1 to P12. During the cross examination of P.W.1, Aadhar card of the deceased was marked as Ex.R1 and insurance



policy has been marked as Ex.R2 with consent. Respondents have not adduced any evidence. The Tribunal after hearing the arguments on both sides and appreciating the evidence on record has answered issue No.1 in the affirmative and Issue No.2 partly in the affirmative and awarded compensation as under;

a.	Towards loss of dependency	Rs.10,89,000/-
b.	Towards loss of estate	Rs.15,000/-
c.	Towards funeral expenses	Rs.15,000/-
d.	Filial consortium	Rs.40,000/-
e.	Medical bills	Rs.19,729/-
	Total	Rs.11,78,729/-

The claimant seeking enhancement of the compensation as awarded by the Tribunal has filed the present appeal.

7. Heard arguments of learned counsel the appellant -claimant and learned counsel for respondent No.2 -insurer.

8. Learned counsel for the appellant - claimant would contend that the deceased was an art



painter and he cannot be equated with a coolie worker and the Tribunal ought to have taken his monthly income higher than Rs.15,000/-. The deceased was married person and his wife died 06 months prior to the accident and therefore, the deduction towards personal expense of the deceased has to be taken at $1/3^{\text{rd}}$ instead of $1/2$ as taken by the Tribunal. On these grounds, he prayed for enhancement of the compensation.

9. Learned counsel for respondent No.2 - insurer would contend that in order to show that the deceased was art painter, the claimant has not produced any evidence and documents. The Tribunal has rightly taken the income, multiplier, future prospectus and assessed the compensation. The compensation awarded by the Tribunal is just and proper. With this, he prays to dismiss the petition.



10. Having heard learned counsels, we have perused the impugned judgment, award and other materials placed on record.

11. The accident and liability of respondent No.2 -insurer is not in dispute since the insurer has not challenged the impugned judgment and award. As per Ex.R1 -Aadar Card, the age of the deceased was 54 years. Even though it was contented that the deceased was an art painter, no document of proof in that regard has been produced. Considering the said aspect, the Tribunal considering the notional income fixed for settlement of disputes in Lok Aadalath_has rightly taken the income of the deceased at Rs.15,000/-. The deceased was aged 54 years. The Tribunal has rightly taken the future prospects at 10%. The Tribunal considering the age of the deceased as 54 years has rightly applied multiplier as 11 and calculated the loss of dependency. The deceased has left behind the claimant, his mother



who was dependent on him. Even though it was contented that the deceased was a married person and his wife died prior to the accident, the deduction towards personal expenses cannot be taken to be $\frac{1}{3}^{\text{rd}}$ since his wife died prior to the accident. The Tribunal has rightly taken deduction at 50% for personal expenses of the deceased. The Tribunal has rightly calculated the loss of dependency in a sum of Rs.10,89,000/- i.e., Rs.15,000/- + 10% = Rs.16,500/- - $\frac{1}{2}$ = Rs.8,250/- x 12 = Rs.99,000/- x 11 = Rs.10,89,000/-.

12. The Tribunal has rightly taken the loss of estate at Rs.15,000/-, funeral expenses at Rs.15,000/- and filial consortium at Rs.40,000/-. The Tribunal, considering the medical bills produced at Ex.P9 in all 10 has rightly awarded Rs.9,729/- towards medical expenses. Considering all these aspects, the compensation awarded by the Tribunal is just and proper. Even the Tribunal has awarded



future interest at 7.5% per annum on the amount of compensation from the date of petition till realisation. Considering all these aspects, there are no grounds for enhancing the compensation as prayed. In the result, the appeal is ***dismissed.***

**Sd/-
(B.M.SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DSP
CT:VH
List No.: 1 Sl No.: 10