IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

MFA NO.100938/2025(MV-D)
C/W. MFA NO. 104033/2025 (MV)

IN MFA No.100938/2025
BETWEEN:

ICICI LOMBARD GENERAL INSURANCE CO. LTD.,
THROUGH ITS LEGAL CLAIMS MANAGER,
NIBHAYE VAADE, BRANC MANAGER,
1ST FLOOR, BELLAD & HERO HONDA SHOW ROOM,
BANNIGIDA STOP, GOKUL ROAD, HUBBALLI,
BY ITS AUTHORIZED SIGNATORY.

... APPELLANT

(BY SRI. RAVINDRA R. MANE, ADVOCATE)

AND:

1. GUNAVATI S S/O. VIJAYALAKSMI B.O.,
AGE ABOUT 28 YEARS, OCC: STUDENT,
R/O: JAIN LAYOUT, WARD NO.15, 4TH MAIN,
KUNDUVADA ROAD, DIST: DAVANAGERE.

2. VIJAYALAKSHMI B.O.,
AGE ABOUT 55 YEARS, OCC: ARTIST,
R/O: 3RD MAIN ROAD, 9TH CROSS,
YALLAMMANAGAR, DIST: DAVANAGERE.

3. RAHUL S/O. RAMES HACHOTE,
AGE: MAJOR, OCC: BUSINESS,

R/O: SANIKA ENTERPRISES,
1ST FLOOR, ABOVE ROHAN MOTORS,
SHAHPETE, VIJAYAPURA – 586 101,
(OWNER OF BREEZA CARE BEARING KA 28/P-2631).
… RESPONDENTS

(BY SRI. ANJANEYA M., ADV. FOR R1 & R2;
NOTICE ISSUED TO R3 IS SERVED BUT UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO CALL FOR THE RECORDS, ALLOW THIS APPEAL AND SET ASIDE THE JUDGMENT AND AWARD DATED 14.11.2024 PASSED BY THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, RENEBENNUR IN MVC NO.980/2022 AND TO PASS SUCH OTHER ORDER OR ORDERS AS THIS HON'BLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING THE COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO. 104033/2025
BETWEEN:

1. GUNAVATI S D/O. VIJAYALAKSHMI B. O.,
AGE: 28 YEARS, OCC: STUDENT,
R/O: JAIN LAYOUT, WARD NO 15, 4TH MAIN,
KUNDUVADA ROAD, DIST: DAVANAGERE.

2. VIJAYALAKSHMI B.O.,
AGE: 55 YEARS, OCC: ARTIST,
R/O: 3RD MAIN ROAD, 9TH CROSS, YALLAMMANAGAR,
DAVANAGERE, DIST: DAVANAGERE.
... APPELLANTS

(BY SRI. ANJANEYA M., ADVOCATE)

AND:

1. SRI. RAHUL S/O. RAMESH HACHOTE,
   AGE: MAJOR, OCC: BUSINESS,
   R/O: SANIKA ENTERPRISES, 1ST FLOOR,
   ROHAN MOTER, SHAPETE, VIJAYAPURA – 586 101.

2. THE LEGAL CLAIMS MANAGER,
   ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.,
   NIBHAYE VAADE, BRANCH MANAGER,
   1ST FLOOR, BELLAD AND HERO HONDA SHOW ROOM,
   BANNIGIDA STOP, GOKUL ROAD, HUBBALLI – 580 029.

...RESPONDENTS

(BY SRI. RAVINDRA R. MANE, ADV. FOR R2;
NOTICE ISSUED TO R1 IS SERVED BUT UNREPRESENTED)

THIS MFA FILED UNDER SECTION 173 (1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO CALL FOR THE RECORDS HEAR THE PARTIES AND MAY KINDLY BE MODIFIED THE JUDGMENT AND AWARD DATED 14.11.2024 PASSED BY THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDL MACT, RANEBENNUR, IN MVC NO.980/2022, BY ALLOWING THIS APPEAL WITH COST IN THE ENDS OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE M.I.ARUN
and
HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the judgment and award dated 14th November 2024 passed in MVC No.980 of 2022 by the Addl. Senior Civil Judge and Addl. MACT, Ranebennur (for short, "the Tribunal"), the second respondent - Insurance Company therein has preferred an appeal in MFA No.100938 of 2025 and the claimants therein have preferred an appeal in MFA No.104033 of 2025.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. On 27.03.2022, when the deceased, Manjula R.V. was traveling with fellow artists in a car bearing registration No.KA-28/P-2631. At about 03:50 p.m., near Kakol Village on Ranebennur bypass road, the driver of the car drove the same in a rash and negligent manner and dashed against rear portion of the moving lorry, thereby causing the accident. As a result, Manjula succumbed to the injuries sustained in the accident. The car was insured with the second respondent - Insurance Company.

4. The first petitioner, being the sister of the deceased, and the second petitioner, being the mother of the deceased, filed MVC No.980 of 2022.

5. In order to prove their case, the petitioners examined two witnesses as PW1 and PW2 and produced documents as Exhibits P1 to P32. RW1.

6. Though the first respondent filed his objections, he did not lead any evidence.

7. The second respondent - Insurance Company examined one witness as RW1 and produced documents as Exhibits R1 and R2.

8. Based on the pleadings and the evidence on record, the Tribunal framed the following issues and passed the following order:

"ISSUES

1. *Whether the petitioners prove that, deceased Smt. Manjula R.V, died due to the injuries sustained by her in road traffic accident that occurred on 27-03- 2022 at about 3:50 hours, near Kakol village on NH 48 road, due to the rash and negligent driving of the driver of Car bearing Reg. No.KA-28/P-2631 while she was proceeding in the care as an inmate?*

2. Whether the respondent No.1 proves that the petitioners have filed another petition in MVC No.2056/2022 before Addl., Small Cause Court, Bangalore for the same cause of action?

3. Whether the respondent No.2 proves its discharge from the liability for the grounds urged in their objection statement?

4. Whether the petitioners are entitled for compensation, if so, how much and from whom and what rate of interest?

5. What order or award?

ORDER

The petition filed by the petitioners U/s.166 of Motor Vehicles Act, 1988, is partly allowed with costs.

The petitioners are entitled to the compensation of ₹33,02,600/-.(Rupees Thirty Three Lakh Two Thousand Six Hundred only) together with the interest @ 9% per annum from the date of petition to till its realization.

The respondent No.2 is liable to pay and directed to deposit compensation amount within a period of one month from the date of award.

The petitioners No.1 and 2 are entitled to the compensation at the ratio of 40:60. They are entitled to withdraw 65% of their respective share and remaining 35% of their share shall be deposited in their respective names in any Nationalized bank for a period of 3 years.

They are at liberty to withdraw the periodical interest on the deposits.

Advocate fee is fixed at 1,000/-.

Draw award accordingly."

9. Not satisfied with the award, both the Insurance Company as well as the petitioners have preferred these appeals.

10. The case of the Insurance Company is that the compensation awarded by the Tribunal is excessive. However, the Insurance Company admits that the car was duly insured with it.

11. It is contented by the Insurance Company that the petitioners failed to produce any reliable evidence to prove the income of the deceased and that the Tribunal ought to have taken the national income at ₹.14,750/-, considering that the accident occurred in the year 2022. It is further submitted that since the deceased was unmarried, there ought to have been a deduction of 50% of her income towards personal expenses; however, the Tribunal deducted only one-third. It is also submitted that the interest awarded at 9% per annum is on the higher side and ought to have been 6% per annum.

12. *Per contra*, the learned counsel appearing for the petitioners submit that the deceased was a drama artist and that evidence was led to show that she was being paid a sum of

₹.8,000/- to ₹.10,000/- per programme and that she used to perform at least three programmes per month. It is therefore contended that the Tribunal ought to have taken her income at ₹.30,000/- per month. Hence, the petitioners pray that their appeal be allowed and that the appeal filed by the Insurance Company be dismissed.

13. The question that would arises for consideration is whether the Tribunal has appreciated the evidence appropriately and whether the Compensation awarded, along with the rate of interest, is in accordance with law?

14. The deposition of PW1 and PW2 establishes that the deceased was a drama artist with some experience. Exhibits P9 to P30 also support the said fact. However, no documentary evidence has been produced to establish the exact income of the deceased. Therefore, based on the evidence on record, the Tribunal concluded that the deceased was indeed a drama artist earning certain amounts. In the absence of any reliable proof regarding the actual income, and considering the facts and circumstances of the case, the Tribunal assessed her income at ₹.18,000/- per month, which is higher than the national income.

Given the evidence on record and the fact that the statements of PW1 and PW2 in this regard have not been effectively impeached by the Insurance Company, we are of the opinion that the assessment of the monthly income by the Tribunal at ₹.18,000/- is just, fair and proper.

15. Admittedly, the deceased was unmarried and the petitioners are her mother and sister. In such circumstances, 50% of the income of the deceased ought to be deducted towards personal expenses.

16. With regard to interest, the Tribunal awarded interest at the rate of 9% per annum, which, in our considered opinion, is excessive. The same ought to be reduced to 6% per annum.

17. With regard to the multiplier adopted by the Tribunal, as well as future prospects, loss of estate and funeral expenses, both the learned counsel fairly submit that the same are correct. we also find the same to be proper.

18. In respect of the loss of consortium, taking into consideration the judgment of the Hon'ble Apex Court in the case of ***MAGMA GENERAL INSURANCE CO. LTD Vs. NANU RAM***

ALIAS CHUHRU RAM[1], we deem it appropriate to award a sum of ₹.44,000/- each to the petitioners towards loss of consortium.

19. Hence, the petitioners are entitled for compensation as follows:

1. Loss of dependency	₹.24,19,200/-
2. Loss of estate	₹.16,500/-
3. Funeral expenses	₹.16,500/-
4. Loss of consortium	₹.88,000/-
TOTAL	**₹.25,40,200/-**

20. Thus, the petitioners are entitled to a total compensation of ₹.25,40,200/- along with interest at the rate of 6% per annum from the date of petition before the Tribunal till realization.

21. The second respondent – Insurance Company is directed to pay the compensation to the petitioners within a period of six weeks from today.

22. The second petitioner is entitled to a sum of ₹.24,96,200/- out of the total compensation, along with interest thereon.

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[1] AIRONLINE 2018 SC 1249

23. The first petitioner is entitled to a sum of ₹.44,000/- out of the total compensation, along with interest thereon.

24. The amount in deposit before this Court shall be transferred to Tribunal for disbursement to the petitioners.

25. The award of the Tribunal stands modified accordingly.

Sd/-
(M.I.ARUN)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE

VNP/ CT: ASC
List No.: 2 Sl No.: 11