



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**  
**DATED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY 2026**  
**BEFORE**  
**THE HON'BLE MRS JUSTICE GEETHA K.B.**

**MISCELLANEOUS FIRST APPEAL NO. 100724 OF 2016 (MV-D)**  
**C/W**  
**MISCELLANEOUS FIRST APPEAL NO. 100172 OF 2016 (MV-D)**

**IN MFA NO. 100724/2016**

**BETWEEN:**

THE DIVISIONAL MANAGER,  
SHRIRAM GENERAL INSURANCE COMPANY LIMITED,  
DIVISIONAL OFFICE AT, E-8, EPIP, RIICO,  
SITAPURA, JAIPUR, RAJASTHAN-302022, INDIA.  
NOW REPRESENTED BY ITS  
AUTHORIZED SIGNATORY,  
SHRIRAM GENERAL INSURANCE COMPANY LTD.,  
NO.5/4, 3<sup>RD</sup> FLOOR, S V ARCADE, BELEKAHALLI,  
MAIN ROAD, OPP. BENNURUGHATTA ROAD,  
IIMB POST, BENGALURU-560076.

...APPELLANT

(BY SRI. S.K. KAYAKAMATH, ADVOCATE)

**AND:**

1. SMT. MANJULA  
W/O. ASHOK BOMMANNAVAR,  
AGE: 51 YEARS, OCC: HOUSEHOLD,  
R/O: AMBEDKAR GALLI,  
HALAGA, TAL: DIST: BELAGAVI.
2. SRI. PARASHURAM  
S/O. ASHOK BOMMANNAVAR,  
AGE: 28 YEARS, OCC: NIL,  
R/O: AMBEDKAR GALLI,





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HALAGA, TAL: DIST: BELAGAVI.

3. SRI. FAKEER  
S/O. ASHOK BOMMANNAVAR,  
AGE: 25 YEARS, OCC: STUDENT,  
R/O: AMBEDKAR GALLI, HALAGA,  
TAL: DIST: BELAGAVI.
4. SMT. RENUKA  
D/O. ASHOK BOMMANNAVAR,  
AGE: 23 YEARS, OCC: HOUSEHOLD,  
R/O: AMBEDKAR GALLI, HALAGA,  
TAL: DIST: BELAGAVI.
5. SRI. ASHOK GANGARAM BHANDARI,  
AGE: MAJOR, OCC: BUSINESS,  
R/O: H.NO.87/40, JOSHI GALLI,  
KHASBAG, BELAGAVI.
6. SRI. ANAND SOMAPPA PAMMAR,  
AGE: MAJOR, OCC: BUSINESS,  
R/O: 1-31, A1, VAIBHAV NAGAR, BELAGAVI.

...RESPONDENTS

(BY SRI. A.L. SANDRIMANI, ADVOCATE FOR R1-R4;  
NOTICE TO R5 & R6 ARE SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT 1988, PRAYING TO CALL THE RECORDS, HEAR THE PARTIES AND ALLOW THE APPEAL AS PRAYED FOR BY SETTING ASIDE THE IMPUGNED JUDGMENT AND AWARD DATED: 21.11.2015 PASSED BY THE III ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BELAGAVI IN MVC.NO.803/2013, WITH COST IN THE INTEREST OF JUSTICE AND EQUITY.

**IN MFA NO. 100172/2016**

**BETWEEN:**

1. SMT. MANJULA W/O. ASHOK BOMMANNAVAR,  
AGE: 50 YEARS, OCC: HOUSEHOLD,



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2. SRI. PARASHURAM S/O. ASHOK BOMMANNAVAR,  
AGE: 27 YEARS, OCC: NIL,
3. SRI. FAKEER S/O. ASHOK BOMMANNAVAR,  
AGE: 25 YEARS, OCC: STUDENT,
4. SMT. RENUKA D/O. ASHOK BOMMANNAVAR,  
AGE: 22 YEARS, OCC: HOUSEHOLD,

ALL THE APPELLANTS ARE RESIDING AT  
AMBEDKAR GALLI, HALAGA, TQ: & DIST: BELAGAVI.

...APPELLANTS

(BY SRI. ANAND L. SANDRIMANI, ADVOCATE)

**AND:**

1. SRI. ASHOK GANGARAM BHANDARI,  
AGE: MAJOR, OCC: BUSINESS,  
R/O: H.NO.87/40, JOSHI GALLI,  
KHASBAG, BELAGAVI.
2. SRI. ANAND SOMAPPA PAMMAR,  
AGE: MAJOR, OCC: BUSINESS,  
R/O: 1-31, A1, VAIBHAV NAGAR, BELAGAVI.
3. THE DIVISIONAL MANAGER  
SHRIRAM GENERAL INSURANCE COMPANY LIMITED,  
DIVISIONAL OFFICE AT: E-8 EPIP, RIICO,  
SITAPURA, JAIPUR, RAJASTHAN-302022, INDIA.

...RESPONDENTS

(BY SRI. S.K. KAYAKAMATH, ADVOCATE FOR R3;  
NOTICE TO R1 & R2 IS SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT 1988, PRAYING TO THAT THE JUDGMENT AND AWARD DATED: 21/11/2015 IN M.V.C.NO.803/2013 PASSED BY THE III ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, BELAGAVI MAY KINDLY BE MODIFIED BY AWARDED THE COMPENSATION AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MRS JUSTICE GEETHA K.B.

**ORAL JUDGMENT**

These are the appeals filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short 'M.V. Act') by the insurer and claimants respectively, praying for reduction of compensation amount and enhancement of compensation amount challenging the judgment and award dated 21.11.2015 passed in MVC No.803/2013 by the 3<sup>rd</sup> Addl. Senior Civil Judge and AMACT, Belagavi (for short 'Tribunal').

2. Parties would be referred with their ranks as they were before trial Court for the sake of convenience and clarity.

3. The Claimants have filed the claim petition before the Tribunal, claiming compensation in respect of the death of husband of claimant No.1 and father of claimant Nos.2 to 4 occurred on 01.03.2013 at 10 a.m.,



involving truck bearing No. KA-22/A-7036. According to claimants, immediately after the accident, the husband of claimant No.1- Ashok Bommannavar was shifted to the District hospital, who succumbed to the injuries.

4. To substantiate the contention of claimants, claimants have produced the FIR, complaint, panchnama, postmortem report and charge sheet to show that the accident occurred due to the rash and negligent driving of driver of the offending vehicle, husband of claimant No.1 died due to the accidental injuries.

5. It is not in dispute that the deceased was aged 54 years at the time of accident and was working as 'D' Group employee in Belagavi Municipal Corporation. Ex.P.6 is his salary certificate issued by the Corporation Authorities which shows that the gross income of the deceased during February-2013 was Rs.20,258/-p.m. Out of this, there were several deductions. Some of those deductions are towards the benefit of the family. Hence,



the deduction towards professional tax and income tax i.e. ₹.200/- and ₹.204/- respectively are to be deducted. As per the allowances to the deceased are concerned, he was getting ₹.300/- towards washing allowance and it is for his personal use and it is to be deducted to decide the income of deceased. After deducting all these, his income would be ₹.19,554/-. The deceased left his wife, two major sons and unmarried daughter as his legal heirs. Thus, by relying upon the dictum of the Hon'ble Apex Court in the case of ***Sarla Verma and Others vs. Delhi Transport Corporation and Another*** reported in ***AIR 2009 SC 3104***, 1/3<sup>rd</sup> of his income is to be deducted towards his personal expenses. Then, it would be ₹.13,036/-. After adding the 15% future prospects, his income that may be spent towards claimants is ₹.14,991.04 rounded off to ₹.14,992-00 (₹.14,992 x 12 x 11=₹.19,78,944/-). Thus, claimants are entitled for **₹.19,78,944/-** towards **Loss of dependency**.



6. The Tribunal has awarded ₹.1,00,000/- towards loss of consortium to claimant No.1 and ₹.75,000/- towards loss of love and affection to claimant Nos.2 to 4. However, presently as per the guidelines given in ***National Insurance Company Limited vs. Pranay Sethi and Others*** reported in ***(2017) 16 SCC 680*** and ***Magma General Insurance Co. Ltd vs. Nanu Ram Alias Chuhru Ram*** reported in ***ACJ 2018 2782***, the loss of consortium to claimant Nos.1 to 4 is to be taken at ₹.40,000/- each and 10% escalation charges to be added and thus totally they are entitled for **₹.1,76,000/-** under the head **loss of consortium**.

7. The Tribunal has awarded compensation of ₹.25,000/- towards **transportation of dead body and funeral expenses** which is excessive and it is to be ₹.15,000/-+10% escalation charges=**₹.16,500/-**. The Tribunal has not awarded compensation under the head **Loss of Estate**. But, claimants are entitled for ₹.15,000/-+10% escalation charges=**₹.16,500/-** under this head.



Thus, claimants are entitled for total compensation of Rs. **₹.21,87,944/-** instead of compensation of **₹.22,09,304/-** awarded by the Tribunal.

2. Thus, the claimants are entitled for the following modified compensation:

| Sl.No. | Heads                                                    | Compensation awarded by the Tribunal<br>₹. | Compensation awarded by this Court<br>₹. |
|--------|----------------------------------------------------------|--------------------------------------------|------------------------------------------|
| 1      | Loss of dependency                                       | 20,09,304/-                                | 19,78,944/-                              |
| 2      | Towards loss of consortium                               | 1,00,000/-                                 | 1,76,000/-                               |
| 3      | Towards love and affection and elderly guidance          | 75,000/-                                   | -                                        |
| 4      | Towards transportation of dead body and funeral expenses | 25,000/-                                   | 16,500/-                                 |
| 5      | Loss of estate                                           | -                                          | 16,500/-                                 |
|        | <b>Total</b>                                             | <b>22,09,304/-</b>                         | <b>21,87,944/-</b>                       |

3. Thus, the claimants are entitled for total compensation of **₹.21,87,944/-** instead of compensation of **₹.22,09,304-00** awarded by the Tribunal. Hence, I pass the following:



ORDER

1. Appeals filed under Section 173(1) of the Motor Vehicles Act, 1988 are allowed in part.
2. The judgment and award passed in MVC No.803/2013 dated 21.11.2015 on the file of III Addl. Senior Civil Judge and Addl. MACT., Belagavi is modified holding that the claimants are entitled for total compensation of **₹.21,87,944/-** with interest at 6% per annum from the date of petition till realisation instead of compensation of **₹.22,09,304/-** awarded by the Tribunal.
3. The respondent-insurer shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of 8 weeks from the date of receipt of certified copy of this judgment.



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4. The disbursement and deposit shall be made as per the order of the Tribunal.
5. Registry to transmit the TCR to the Tribunal forthwith along with copy of this order.
6. Draw modified decree accordingly.

**Sd/-**  
**(GEETHA K.B.)**  
**JUDGE**

HMB  
CT-MCK  
LIST NO.: 1 SL NO.: 13