



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 27TH 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.101489 OF 2025(MV-D)

BETWEEN:

SBI GENERAL INSURANCE CO. LTD.,
V.A KALBURGI, HALLMARK, 2ND FLOOR,
DESAI CROSS, PINTO ROAD,
DESHPANDE NAGAR, HUBLI-580029,
NOW REPRESENTED BY ITS
AUTHORISED SIGNATORY.

...APPELLANT

(BY SRI. SUBHASH J.BADDI, ADVOCATE)

AND:

1. SMT. SHRUTI W/O. YALLAPPA BEVANUR
AGE: 25 YEARS, OCC: HOUSEWIFE,
2. VAISHNAVI D/O. YALLAPPA BEVANUR
AGE: 04 YEARS, OCC: NIL,
3. VISHNU S/O. YALLAPPA BEVANUR
AGE: 06 YEARS, OCC: NIL,

RESPONDENT NOS.2 AND 3 ARE MINORS
REP. BY THEIR NATURAL GUARDIAN,
MOTHER-RESPONDENT NO.1.

4. SMT. GANGAVVA W/O. VISHNU BEVANUR
AGE: 47 YEARS, OCC: HOUSEWIFE,

VISHAL
NINGAPPA
PATTHAL

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



R/O. BHARAM KHODI TOTA,
TALUK: ATHANI, DIST: BELAGAVI,

NOW ALL ARE RESIDING AT:
1ST MAIN, 4TH CROSS, SADASHIV NAGAR,
BELAGAVI-590002.

5. SUBASH S/O. SHIVCHANDRA MANG
AGE: MAJOR, OCC: BUSINESS,
A/P: AJIT NAGAR, CHINCHALI,
TALUK: RAIBAG, DIST: BELAGAVI-591 317.

...RESPONDENTS

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLES ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED 12.12.2024 PASSED IN MVC NO.1346/2023 ON THE FILE OF THE X ADDITIONAL DISTRICT JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL-XI BELAGAVI, AWARDING COMPENSATION OF RS.33,35,981/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

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: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR)

This appeal is filed by the Insurer praying to set aside the judgment and award dated 12.12.2024 passed in MVC No.1346/2023 by the X Additional District Judge and MACT-XI, Belagavi.

2. Respondents are legal heirs of the deceased -Yallappa and have filed claim petition seeking compensation in respect of death of Yallappa in road traffic accident.

3. The facts leading to filing of claim petition are as under:

That on 29.04.2023 at about 05.30 p.m., Yallappa was proceeding on motorcycle bearing registration No.KA-23/EB-9636 from Harugeri towards Athani. When he came near the house of Bhimappa Chougala, the rider of motorcycle bearing No.KA-23/HA-1365 came riding the same in rash and negligent manner and in high speed from



Harugeri cross side and dashed to Yallappa. Due to the impact of accident, Yallappa sustained severe injuries and was admitted to Government Hospital, Harugeri and then at Samarth Hospital, Miraj and succumbed to the injuries on 06.05.2023. It is contented that the Yallappa was having 25 acres of irrigated land, doing agricultural work and earning Rs.50,000/- per month. The incident occurred due to rash and negligent driving of motorcycle bearing No. KA-23/HA-1365. The respondent No.1 is the owner and respondent No.2 is the insurer and they are liable to pay the compensation.

4. Respondent No.1 remained ex-parte. Respondent No.2 filed objections and contended that deceased had no valid license to ride motorcycle. The rider of the motor cycle owned by respondent No.1 did not possess valid driving license and violated policy conditions.



5. On the above pleading, the Tribunal has framed following issues and additional issues as under:

“Issue No.1:- Whether the petitioners prove that Shri. Yallappa S/o.Vishnu Bevanur died due to the injuries sustained by him in the accident that occurred on 29.04.2023 at about 5.30p.m., near the house of Bhimappa Chougala, Harageri village, on Harugerithani Road, within the limits of Murgod P.S., due to the rash and negligent driving of driver Ambulance 108 vehicles bearing No.KA-23/HA-1365 belonging to 1st respondent?”

Issue No.2:- Whether the petitioners are entitled for compensation? What is the quantum and from whom?

Issue No.3:- What order?

Addl. Issue No.1:- Whether the 2nd respondent proves that there is violation of policy conditions by the 1st respondent?”



6. One of the claimants has been examined as P.W.1 and got marked documents as Ex.P1 to P37. Respondent No.2 got examined its officer as R.W.1 and got marked document as Ex.R1. The Tribunal after hearing arguments and appreciating evidence on record has answered issue No1 and additional issue No.1 in the affirmative and awarded compensation of Rs.33,35,981/- and directed the insurer to pay the said amount to claimants and recover the same from the owner/respondent No.1. Aggrieved by the said judgment and award, respondent No.2 - insurer has filed the present appeal.

7. Heard learned counsel for the appellant – insurer on admission.

8. Ex.P9 is charge sheet and it has been filed against rider of the motorcycle owned by respondent No.1 who is respondent No.5 herein for offences



punishable under Sections 279, 337, 338, 304A of IPC and Section 3 read with Section 181 of Motor Vehicles Act. The said charge sheet itself indicate that the alleged accident has been caused due to rash and negligent driving of rider of offending motorcycle. The charge sheet filed against the deceased is for offence punishable under Section 3 read with Section 181 of Motor Vehicles Act. The said aspect indicates that the deceased was not having driving licence to drive the motorcycle. The rider of offending motorcycle was also not holding driving licence to drive the motorcycle. Considering the above aspects, the Tribunal has rightly held that the accident occurred due to rash and negligent driving of rider of offending vehicle.

9. The Tribunal considering the fact that the rider of the motorcycle was not holding driving licence has rightly held that there is violation of policy conditions and insurer is not liable to pay the



compensation. The Tribunal placing reliance on the decision of the hon'bel Apex Court in the case of ***National Insurance Compant Ltd., Vs Pranay Sethi¹*** has rightly held that the deceased was third party to the contract of insurance and therefore, the insurer is liable to pay the compensation amount to the claimants and recover it from the owner of the offending motorcycle.

10. Even though, the deceased was an agriculturalist, jointly owning the agricultural lands, the RTCs of which are at Ex.30 to P32. Considering the fact that what was the income, the deceased was getting from the said agricultural land and what was his share in the said lands are not produced has taken the notional income of the deceased at Rs.15,250/- per month. Based on the notional income fixed by Legal Services Authority for the year 2021 in a sum of Rs.14,250/- and calculating the

¹ In 2017 ACJ 2700



increase of Rs.500/- per year. The deceased was aged 31 years and placing reliance on the decision of the Hon'ble Apex Court in the case of **Pranay Sethi**(supra), the Tribunal has rightly taken the future prospects at 40% and rightly applied the multiplier 16 and deducted 1/4th towards personal expenses of the deceased as dependants are the four in numbers. Considering the said aspect, the compensation awarded by the tribunal for loss of dependency in sum of Rs.30,74,304/- is just and proper. The Tribunal has rightly awarded funeral expenses of Rs.16,500/- and loss of estate in sum of Rs.16,500/- calculating 10% escalation relying on the decision of of the Hon'ble Apex Court in the case of **Pranay Sethi** (supra). The Tribunal has rightly awarded consortium to all claimants in a sum of Rs.44,000/- by calculating 10% escalation to Rs.40,000/- placing reliance on the decision of of the Hon'ble Apex Court in the case of **Pranay**



Sethi(supra). Considering the said aspects, there are no grounds to admit the appeal.

In the result, the appeal is ***dismissed***.

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

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
CT:VH
List No.: 2 Sl No.: 5