



CNR: KAHC020195182025

NC: 2026:KHC-D:10484-DB
MFA No. 104340 of 2025
C/W MFA No. 104606 of 2025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 24TH DAY OF JULY 2026

PRESENT

THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD

AND

THE HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

MISCELLANEOUS FIRST APPEAL NO. 104340 OF 2025 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 104606 OF 2025 (MV-D)

IN MFA No. 104340/2025

BETWEEN:

1. SMT. MANISHA W/O. ANILKUMAR KOLI,
AGE: 45 YEARS, OCC: SERVICE,
R/O. KANGRALI KH-590010,
TALUKA AND DISTRICT: BELAGAVI.
2. KUMAR ASHISH S/O. ANILKUMAR KOLI,
AGE: 23 YEARS, OCC: STUDENT,
R/O. KANGRALI KH-590010,
TALUKA AND DISTRICT: BELAGAVI.
3. KUMARI ANUSHKA D/O. ANILKUMAR KOLI,
AGE: 21 YEARS, OCC: STUDENT,
R/O. KANGRALI KH-590010,
TALUKA AND DISTRICT: BELAGAVI.

...APPELLANTS

(BY SMT. SUNANDA P. PATIL, ADVOCATE)

AND:

1. SMT. RANI AJIT HEGDE,
AGE: 40 YEARS, OCC: BUSINESS,
R/O. VIVEKANAND NAGAR,

Digitally signed
by
VIJAYALAKSHMI
M KANKUPPI
Location: HIGH
COURT OF
KARNATAKA
DHARWAD
BENCH



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MARATHA CHOWK,
KOROCHI-416109,
TALUKA: HATAKANAGALE,
DISTRICT: KOLHAPUR.

2. THE MANAGER,
SHRIRAM GENERAL INSURANCE CO. LTD.,
CTS NO.10632, NEHRU NAGAR,
BELAGAVI-590010, DISTRICT: BELAGAVI.

...RESPONDENTS

(BY SRI. S.K. KAYAKMATH, ADVOCATE FOR R2;
R1-NOTICE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLES ACT 1988, PRAYING TO ALLOW THE APPEAL BY MODIFYING THE JUDGMENT AND AWARD DATED 04.07.2025 IN MVC NO.422/2021 PASSED BY THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BELAGAVI AND ENHANCE THE COMPENSATION FROM RS.97,33,140/- TO RS.1,50,00,000/- TO THE APPELLANTS IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA NO. 104606/2025

BETWEEN:

THE MANAGER,
SHRIRAM GENERAL INSURANCE CO. LTD.,
CTS NO.10632, NEHRU NAGAR, BELAGAVI,
INSURER OF HERO HONDA SPLENDOR
MOTOR CYCLE BEARING NO.MH-09/FC-3410,
SRIRAM GENERAL INSURANCE CO. LTD.,
KOLHAPUR, NOW REP. BY AUTHORIZED SIGNATORY.

...APPELLANT

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

AND:

1. SMT. MANISHA WD/O. ANILKUMAR KOLI,
AGE: 46 YEARS, OCC: SERVICE,
R/O. KANGRALI K.H.,



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TAL AND DIST: BELAGAVI-590001.

2. KUMAR ASHISH S/O. ANILKUMAR KOLI,
AGE: 24 YEARS, OCC: STUDENT,
R/O. KANGRALI K.H.,
TAL AND DIST: BELAGAVI-590001.
3. ANUSHKA D/O. ANILKUMAR KOLI,
AGE: 21 YEARS, OCC: STUDENT,
R/O. KANGRALI K.H.,
TAL AND DIST: BELAGAVI-590001.
4. MRS. RANI AJIT HEGDE,
AGE: MAJOR, OCC: BUSINESS,
R/O. VIVEKANAND NAGAR,
MARATHA CHOWK, KOROCHI,
TALUKA: HATAKANAGALE,
DISTRICT: KOLHAPUR-416109.

...RESPONDENTS

(BY SMT. SUNANDA P. PATIL, ADVOCATE FOR C/R1 TO R3)

THIS MFA IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLES ACT 1988, PRAYING TO CALL FOR THE RECORDS, HEAR THE PARTIES AND ALLOW THE APPEAL AS PRAYED FOR BY SETTING ASIDE THE IMPUGNED JUDGMENT AND AWARD DATED 04.07.2025 PASSED BY THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BELAGAVI IN MVC NO.422/2021, WITH COST 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 MR. JUSTICE H.T.NARENDRA PRASAD
and
HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD)

These appeals are filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the claimants and the Insurance Company, respectively, calling in question the judgment and award dated 04.07.2025 passed in MVC No.422/2021 by the learned VI Additional District and Sessions Judge and Member, Additional MACT, Belagavi (for short, 'the Tribunal').

2. MFA No.104340/2025 is filed by the claimants seeking enhancement of compensation, whereas MFA No.104606/2025 is filed by the Insurance Company challenging the fastening of liability and the quantum of compensation awarded by the Tribunal.

3. The claim petition before the Tribunal was filed by the wife and children of deceased Anilkumar Sonaba Koli under Section 166 of the Act, seeking compensation on account of his death in a road traffic accident. It was the case of the claimants that, on 15.12.2020 at about 6.00 p.m., while the deceased



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was proceeding on foot on the left side of Attegre-Rukadi Road near Ambabai Temple, within the limits of Rukadi village, a Hero Honda Splendor motorcycle bearing registration No.MH-09/FC-3410, ridden in a rash and negligent manner, came from behind and dashed against him. The deceased sustained grievous injuries and, despite treatment at Sainath Hospital, Rukadi and thereafter at WIINS Hospital, Kolhapur, succumbed to the injuries on 18.12.2020.

4. The claimants contended that the deceased was aged about 45 years and was working as a Government school teacher, earning a monthly gross salary of ₹71,525/-. They accordingly claimed compensation from the owner and insurer of the offending motorcycle.

5. The owner of the motorcycle denied the claim but contended that the vehicle was insured with the Insurance Company. The Insurance Company disputed the occurrence of the accident, questioned the delay in lodging the complaint, alleged false implication of the vehicle and collusion between the claimants, the owner, the hospital authorities and the police. It also disputed the validity of the driving licence and



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contended that the deceased himself was negligent. The Insurance Company further disputed its liability under the policy.

6. Before the Tribunal, the first claimant was examined as PW.1 and an additional witness was examined as PW.2. The claimants produced documents at Exs.P1 to P20. On behalf of the Insurance Company, its official was examined as RW.1 and documents at Exs.R1 to R3 were marked.

7. On appreciation of the oral and documentary evidence, the Tribunal held that the accident occurred due to the rash and negligent riding of the motorcycle bearing No.MH-09/FC-3410 and that the deceased succumbed to the injuries sustained in the accident. The Tribunal assessed the income of the deceased at ₹71,325/- per month after deduction of professional tax, added 30% towards future prospects, applied the multiplier of '13' and deducted 1/3rd towards personal expenses. Accordingly, the Tribunal awarded total compensation of ₹97,33,140/- with interest at 6% per annum from the date of the petition till realisation, fastening the



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liability jointly and severally on the owner and the Insurance Company.

8. Being aggrieved by the said judgment and award, the claimants have preferred MFA No.104340/2025 seeking enhancement of compensation, whereas the Insurance Company has preferred MFA No.104606/2025 questioning the finding on negligence, liability and the quantum of compensation. Since both appeals arise out of the same judgment and award, they are taken up together for consideration and disposed of by this common judgment.

9. Learned counsel appearing for the Insurance Company contended that the Tribunal has erred in holding that the accident occurred due to the rash and negligent riding of the motorcycle bearing registration No.MH-09/FC-3410. It is contended that there was delay in lodging the complaint and that the said delay has not been satisfactorily explained. According to the learned counsel, the offending vehicle was subsequently falsely implicated in the case.



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10. It is further contended that the Tribunal has not properly appreciated the evidence on record and has mechanically relied upon the police records. The claimants, according to the learned counsel, have failed to establish the involvement of the offending vehicle and the negligence of its rider by reliable evidence.

11. Insofar as the quantum of compensation is concerned, learned counsel would contend that the Tribunal has assessed the compensation on the higher side. It is submitted that the income of the deceased and the permissible deductions have not been properly considered. It is further contended that the claimants are not entitled to enhancement of compensation and that the compensation awarded by the Tribunal is just and proper. Accordingly, learned counsel for the Insurance Company seeks dismissal of the appeal filed by the claimants.

12. *Per contra*, learned counsel appearing for the claimants would contend that the finding of the Tribunal regarding negligence is based on proper appreciation of the oral and documentary evidence. It is submitted that the deceased was immediately shifted to the hospital after the accident and



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that the medical records clearly establish that he had sustained injuries in a road traffic accident involving a two-wheeler. Learned counsel would further contend that the police, after investigation, filed a charge-sheet against the rider of the offending vehicle. The Insurance Company has not placed any reliable material to establish that the offending vehicle was falsely implicated or that there was collusion between the claimants and the owner of the vehicle. Therefore, the finding of the Tribunal on negligence does not call for interference.

13. Insofar as the quantum of compensation is concerned, learned counsel for the claimants would contend that the Tribunal has assessed the income of the deceased on the lower side. It is submitted that the November salary slip produced in evidence discloses the salary of the deceased at ₹73,650/- per month. Therefore, his annual salary would be $₹73,650 \times 12 = ₹8,83,800/-$.

14. Learned counsel would further contend that the deductions reflected in the salary records towards savings/investments and professional tax are required to be taken into consideration.



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15. Learned counsel for the claimants would further contend that the deceased was aged about 45 years, 6 months and 30 days as on the date of the accident. Placing reliance upon the judgment of the Apex Court in ***Samsun Bee and Others v. United India Insurance Co. Ltd. and Others, reported in 2026 ACJ 532***, it is contended that the higher multiplier applicable to the existing age bracket continues to apply until the deceased actually enters the next age bracket. It is therefore contended that, merely because the deceased had crossed 45 years of age, the multiplier cannot immediately be reduced from '14' to '13', since he had not attained the age of 46 years. Accordingly, it is submitted that multiplier '14' is applicable.

16. Learned counsel for the claimants would further contend that the income-tax liability has to be calculated with reference to the relevant assessment year and after considering the permissible deductions. It is submitted that the annual salary of the deceased was ₹8,83,800/- and that, after giving effect to the applicable standard deduction and permissible deduction under Section 80C of the Income Tax Act, 1961, the



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income-tax liability has to be deducted from the annual income. It is further submitted that, after deducting income tax and professional tax, 30% is required to be added towards future prospects and, thereafter, 1/3rd is required to be deducted towards personal expenses. Applying multiplier '14', the claimants seek substantial enhancement of compensation.

17. Heard the learned counsel for the parties and perused the judgment and award and the original records.

18. It is the case of the claimants that the deceased Anilkumar Sonaba Koli died in a road traffic accident that occurred on 15.12.2020 due to the rash and negligent riding of the motorcycle bearing registration No.MH-09/FC-3410. It is further the case of the claimants that the deceased was working as a Government school teacher and was earning ₹73,650/- per month and that, on account of his untimely death, the claimants have lost his financial support and dependency.

19. The Insurance Company has mainly relied upon the delay in lodging the complaint and contended that the offending



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vehicle was subsequently falsely implicated. However, the material on record discloses that the deceased was immediately taken to the hospital after the accident. The medical records disclose that he had sustained injuries in a road traffic accident involving a two-wheeler. The deceased was thereafter treated at the hospital and succumbed to the injuries during the course of treatment. The police, after investigation, registered the case and filed a charge-sheet against the rider of the offending motorcycle. The Insurance Company has not placed any convincing material to establish that the offending vehicle was falsely implicated or that the claimants had colluded with the owner or the police. The delay in lodging the complaint, by itself, cannot discredit the entire case of the claimants. The Tribunal, on appreciation of the evidence, has rightly held that the accident occurred due to the rash and negligent riding of the motorcycle bearing registration No.MH-09/FC-3410. The said finding is based on proper appreciation of the evidence and does not call for interference.

20. The claimants contend that the deceased was aged 45 years, 6 months and 30 days as on the date of the accident.



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The Tribunal has applied multiplier '13'. However, the Apex Court in ***Samsun Bee and Others (supra)***, considered the very question as to whether multiplier '13' or '14' would apply where the deceased was aged 45 years and 3 months. The Apex Court held that the higher multiplier would continue to apply until the deceased actually entered the next age bracket. The Court held that application of the lower multiplier immediately upon crossing the threshold age of 45 years would not be permissible. The principle laid down is that multiplier '14' applies where the deceased has crossed 45 years but has not attained 46 years, and multiplier '13' would apply only after the deceased has actually attained the age of 46 years. In the present case, the deceased was aged 45 years, 6 months and 30 days as on the date of the accident. He had crossed 45 years but had not attained the age of 46 years. Therefore, in view of the law laid down by the Apex Court in ***Samsun Bee (supra)***, the deceased continued to fall within the age bracket for which multiplier '14' is applicable. Accordingly, multiplier '14' is required to be applied. The Tribunal has erred in applying multiplier '13'.



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21. The November salary slip produced on record discloses the monthly salary of the deceased at ₹73,650/-. Accordingly, the annual gross salary is ₹73,650 × 12 = ₹8,83,800/-. The salary records and Form No.16 are also required to be considered for determining the actual income and the income-tax liability. The annual salary of the deceased was ₹8,83,800/-. The standard deduction available under Section 16(ia) is ₹50,000/-. The amount of ₹40,332/- is taken as the admissible deduction towards savings/investment under Section 80C of the Income Tax Act, 1961, as contended on behalf of the claimants and supported by the salary records relied upon by them. Accordingly, the same is reassessed as under:

Particulars	Amount
Annual gross salary	₹8,83,800
Less: Standard deduction under Section 16(ia)	₹50,000
Less: Deduction under Section 80C	₹40,332
Taxable income	₹7,93,468

22. The income-tax liability is calculated under the applicable slab rates as under:

Slab	Calculation	Tax
Up to ₹2,50,000	Nil	Nil



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Slab	Calculation	Tax
₹2,50,001 to ₹5,00,000	₹2,50,000 × 5%	₹12,500
₹5,00,001 to ₹7,50,000	₹2,50,000 × 20%	₹50,000
₹7,50,001 to ₹7,93,468	₹43,468 × 20%	₹8,694
Income tax		₹71,194
Add: Health and Education Cess @ 4%		₹2,848
Total income-tax liability		₹74,042

Therefore, the income-tax liability is taken at ₹74,042/-. The professional tax reflected in the salary records is ₹200/- per month. Accordingly, ₹200 × 12 = ₹2,400/-. Thus:

Particulars	Amount
Annual gross salary	₹8,83,800
Less: Income tax	₹74,042
Less: Professional tax	₹2,400
Annual income	₹8,07,358

23. The deceased was a salaried employee and was aged between 40 and 50 years. Therefore, 30% is required to be added towards future prospects. The annual income after deduction of income tax and professional tax is ₹8,07,358/-. Adding 30% towards future prospects comes to ₹8,07,358 + 30% = ₹10,49,565/-. Since the deceased left behind three dependents, 1/3rd is required to be deducted towards his



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personal and living expenses. Accordingly, the loss of dependency is reassessed as follows:

Sl. No.	Particulars	Amount
1	Monthly salary	₹73,650
2	Annual gross salary	₹8,83,800
3	Less: Income tax	₹74,042
4	Less: Professional tax	₹2,400
5	Annual income	₹8,07,358
6	Add: Future prospects @ 30%	₹2,42,207
7	Annual income including future prospects	₹10,49,565
8	Less: 1/3 rd towards personal expenses	₹3,49,855
9	Annual loss of dependency	₹6,99,710
10	Multiplier	14
11	Loss of dependency	₹97,95,940

24. The claimants have produced medical bills at Exs.P9 and P10 amounting to ₹90,060/-. The deceased was admitted to the hospital immediately after the accident and died during treatment. The said medical expenses are directly connected with the injuries sustained in the accident. Therefore, the claimants are entitled to ₹90,060/- towards medical expenses. The compensation awarded under the conventional heads is reassessed in accordance with the principles laid down by the Apex Court in **National Insurance Company Limited v.**



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Pranay Sethi, (2017) 16 SCC 680 and Magma General Insurance Company Limited v. Nanu Ram alias Chuhru Ram and Others, (2018) 18 SCC 130. The claimants are entitled to compensation under the conventional heads. Accordingly, the compensation under the remaining heads is reassessed as follows:

Sl. No.	Head of compensation	Amount
1	Loss of dependency	₹97,95,940
2	Loss of estate	₹16,500
3	Funeral expenses	₹16,500
4	Spousal consortium	₹44,000
5	Parental consortium	₹44,000
6	Parental consortium	₹44,000
7	Medical expenses	₹90,060
	Total compensation	₹1,00,51,000

25. Therefore, the claimants are entitled to total compensation of ₹1,00,51,000/-. The Tribunal has awarded compensation of ₹97,33,140/-. The enhancement is therefore, ₹1,00,51,000 – ₹97,33,140 = ₹3,17,860/-. Thus, the claimants are entitled to enhanced compensation of ₹3,17,860/-.

ORDER

- (i) The appeal filed by the claimants is allowed in part.



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- (ii) The appeal filed by the Insurance Company is dismissed.
- (iii) The judgment and award dated 04.07.2025 passed in MVC No.422/2021 by the learned VI Additional District and Sessions Judge and Member, Additional MACT, Belagavi, is modified.
- (iv) The claimants are entitled to total compensation of ₹1,00,51,000/- (Rupees One Crore Fifty Thousand One only) as against ₹97,33,140/- awarded by the Tribunal.
- (v) The claimants are entitled to enhanced compensation of ₹3,17,860/- (Rupees Three Lakh Seventeen Thousand Eight Hundred and Sixty only).
- (vi) The enhanced compensation shall carry interest at the rate of 6% per annum from the date of the petition till realisation.
- (vii) The Insurance Company shall deposit the enhanced compensation, together with accrued interest, before the Tribunal within six weeks from the date of receipt of a certified copy of this judgment.



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(viii) The amount, if any, deposited before this Court shall be transmitted to the Tribunal forthwith.

Sd/-
(H.T.NARENDRA PRASAD)
JUDGE

Sd/-
(RAJESHWARI N.HEGDE)
JUDGE

RSH/ CT-MCK
List No.: 1 SI No.: 43