



**IN THE HIGH COURT OF KARNATAKA,**

**KALABURAGI BENCH**

**DATED THIS THE 17<sup>TH</sup> DAY OF OCTOBER, 2025**

**BEFORE**

**THE HON'BLE MRS JUSTICE P SREE SUDHA**

**MISCL. FIRST APPEAL NO. 201050 OF 2023 (MV-I)**

**BETWEEN:**

MALLAMMA W/O. MAHADEVAPPA,  
DEAD, BY HER LRS

1. MAREPPA,  
S/O. LATE MAHADEVAPPA,  
AGE 27 YEARS, OCC. STUDENT,
2. LAXMI,  
D/O. LATE MAHADEVAPPA,  
AGE 19 YEARS, OCC. STUDENT,
3. ANITHA,  
D/O. LATE MAHADEVAPPA,  
AGE 16 YEARS, OCC. STUDENT,

THE APPELLANT NO.3 IS MINOR  
U/G OF HER NATURAL BROTHER APPELLANT NO.1,  
ALL ARE R/O. H.NO.2/13/93,  
MAILAPUR BASE ROAD,  
KOLIWADA, YADGIRI,  
TQ. & DIST. YADGIRI.

...APPELLANTS

(BY SRI. VEERANAGOUDA MALIPATIL, ADVOCATE)

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by SUMITRA  
SHERIGAR

Location:  
HIGH COURT  
OF  
KARNATAKA



**AND:**

1. BASAVARAJ S/O. BHEEMRAYA,  
AGE 58 YEARS, OCC. OWNER OF TRACTOR,  
BEARING REG. NO. KA-32/TB-0137,  
R/O. NALWADAGI, TQ. SHAHAPUR,  
DIST. YADGIRI.
2. THE ORIENTAL INSURANCE COMPANY LTD.,  
N.G. COMPLEX, OPP. MINI VIDHANA SOUDHA,  
SUPER MARKET ROAD, KALABURAGI-585102.  
THOROUGH ITS DIVISIONAL MANAGER.
3. AJARUDDIN S/O. LALE SAB KAMBAR,  
AGE 41 YEARS,  
OCC. OWNER OF AUTO BEARING REG.  
NO. KA-33/A-2124,  
R/O. BALKAL, TQ. SHAHAPUR,  
DIST. YADGIRI.
4. THE MANAGER/LEGAL OFFICER,  
SHRIRAM GENERAL INSURANCE COMPANY LTD.,  
NO. 3/5, 3RD FLOOR, S.V. ARACHADE,  
BILLEKAHALLI MAIN ROAD,  
BANNERUGHATTA ROAD, IIM POST,  
BENGALURU-560076.

...RESPONDENTS

(BY SRI. MOHAMMAD ABDUL QUAYUM, ADV. FOR R2;  
SMT. PREETI PATIL MELKUNDI, ADV. FOR R4;  
V/O. DATED 07.03.2025, NOTICE TO R1 & R3 ARE D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO  
ALLOW THE APPEAL THE JUDGMENT AND AWARD DATED  
06.10.2022 IN MVC NO. 182/2020 PASSED BY THE LEARNED  
MEMBER MACT II AT YADGIRI, MAY KINDLY BE MODIFIED BY  
ENHANCING THE COMPENSATION AS CLAIMED IN THE CLAIM  
PETITION, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL IS COMING ON FOR FURTHER ORDERS,  
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

**ORAL JUDGMENT**

1. This appeal is filed by the claimants/legal heirs of Mallamma W/o. Mahadevappa, seeking enhancement of the compensation amount against the Judgment and award dated 06.10.2022 passed in MVC No.182/2020 by the Motor Accident Claims Tribunal – II, Yadagiri (for short 'the tribunal').

2. One Smt. Mallamma W/o. Mahadevappa met with a road traffic accident and sustained grievous injuries. She took treatment in the Hospital. She filed a claim petition before the tribunal seeking compensation of Rs.35,00,000/- along with interest from the date of the accident till realization. During the pendency of the claim petition, the Smt. Mallamma W/o. Mahadevappa died. Hence, legal heirs of the deceased Smt. Mallamma were brought on record. Claimant No.1 is the son and claimant Nos.2 and 3 are the daughters of the Smt. Mallamma. The tribunal considering the entire material evidence on record, awarded a sum of



Rs.20,20,415/- along with interest at the rate of 6% per annum from the date of petition till the date of realization. As two vehicles are involved in the accident, the tribunal directed each of the Insurance company to deposit 50% of the compensation within one month. Being aggrieved by the quantum of compensation, the claimants have preferred the present appeal and mainly contended that, the deceased was aged 50 years and was working as a coolie and earning a sum of Rs.15,000/- per month. The tribunal has erred in taking the income of the deceased at Rs.10,000/- per month and also not awarded any compensation under the head food and nourishment. She was also admitted in the hospital for grievous injuries and discharged on 03.01.2020. Later she died during the pendency of the claim petition on 15.06.2020. Therefore, requested for enhancement of the compensation.

3. Though it is stated that, the deceased Mallamma was earning a sum of Rs.15,000/- per month, the claimants have not produced any income proof to prove her income. Therefore, as per the guidelines of the Karnataka State Legal



Services Authority, her income is to be taken as Rs.13,250/- per month as she met with the accident in the year 2019. The tribunal has added 25% towards future prospects and deducted 1/3<sup>rd</sup> towards personal expenses. Therefore, the loss of dependency would come to Rs.13,250/- + 25% X 12 X 13 X 2/3 = Rs.17,22,552/-. Claimant Nos.1 to 3 are the children of the deceased Mallamma i.e. the original claimant. Therefore, in view of the citation of ***Magma General Insurance Company Limited Vs. Nanu Ram Alias Chuhru Ram and others***, reported in **(2018) 18 SCC 130**, the claimants are entitled for a sum of Rs.40,000/- each towards parental consortium and in view of the citation of ***National Insurance Company Limited Vs. Pranay Sethi***, reported in **(2017) 16 SCC 680**, a sum of Rs.30,000/- is awarded towards conventional head. Since, the deceased has hospitalized for a period of six months, the amount awarded by the tribunal under the head of medical expenses for a sum of Rs.5,70,467/- is proper and correct. Hence, the total compensation would be as follows:



| <b>Sl.No.</b> | <b>Heads of compensation</b> | <b>Amount</b>  |
|---------------|------------------------------|----------------|
| 1             | Loss of dependency           | Rs.17,22,552/- |
| 2             | Loss of consortium           | Rs.1,20,000/-  |
| 3             | Conventional head            | Rs.30,000/-    |
| 4             | Medical expenses             | Rs.5,70,467/-  |
|               | Total                        | Rs.24,43,019/- |

4. Learned counsel for the respondent Nos.2 and 4 - Insurance companies submit that, the compensation amount awarded by the tribunal at the ratio of 50:50, has been deposited before the tribunal.

5. Accordingly, the following order:

**ORDER**

(i) The appeal is allowed in part;

(ii) The claimants are entitle to total compensation of Rs.24,43,019/- along with interest at the rate of 6% per annum from the date of petition till the date of realization, as against a sum of Rs.20,20,415/- awarded by the tribunal;

(iii) At the ratio of 50:50, the respondent Nos.2 and 4 – Insurance companies are directed to deposit the enhanced compensation of Rs.4,22,604/- along with interest at the rate of 6% per annum, within one month from the date of this order;



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(iv) On such deposit, the claimants are permitted to withdraw the entire compensation along with interest accrued thereon, equally.

**sd/-**  
**(P SREE SUDHA)**  
**JUDGE**

SVH  
List No.: 1 Sl No.: 16