



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO.201330 OF 2022 (MV-D)

C/W

MISCL. FIRST APPEAL NO.201788 OF 2022 (MV-D)

IN MFA No.201330/2022

BETWEEN:

1. AKKANAGAMMA W/O LATE PRAKASH,
AGE. 39 YEARS, OCC. HOUSEHOLD,
2. SACHIN S/O LATE PRAKASH,
AGE. 17 YEARS, OCC. STUDENT,
3. SAGAR S/O LATE PRAKASH
AGE.15 YEARS, OCC. STUDENT

APPELLANTS NO.2 AND 3 ARE MINORS U/G OF
NATURAL MOTHER, APPELLANT NO.1.

4. SMT. GURAMMA W/O BASAVANAPPA,
AGE. 64 YEARS, OCC. HOUSEHOLD,

ALL R/O KODADUR VILLAGE,
TQ. CHITTAPUR, DIST. KALABURAGI.

...APPELLANTS

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

1. SHAKIR S/O SALEEM KHAN
AGE. MAJOR, OCC. BUSINESS,





OWNER OF TRUCK NO.MH-04/EB-1627, R/O
F.NO.302, H.NO.K3/302, NEAR OSWAL COMPLEX,
OSWAL EMPIRE, BOISAR, THANE,
MAHARASHTRA-401501.

2. SHRIAM GENERAL INSURANCE CO. LTD.,
E-8, EPIP R II CO. INDUSTRIAL AREA,
SITAPUR, JAIPUR, RAJASTHAN-302022
REPRESENTED BY ITS AUTHORIZED OFFICER.

...RESPONDENTS

(BY SRI SUDARSHAN M., ADVOCATE FOR R2;
VIDE ORDER DATED 02.02.2023, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
EXERCISE ITS APPELLATE JURISDICTION, CALL FOR THE
ENTIRE LOWER COURT RECORDS AND MODIFY THE JUDGMENT
AND AWARD DATED 20.01.2022 PASSED BY THE LEARNED
SENIOR CIVIL JUDGE AND MACT XV AT CHITTAPUR IN MVC
NO.65/2018 BY ENHANCING THE COMPENSATION AMOUNT AS
PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY AND
THE HONOURABLE COURT BE PLEASED TO HOLD BOTH THE
RESPONDENTS JOINTLY AND SEVERALLY LIABLE TO PAY THE
ENHANCED COMPENSATION TO THE APPELLANTS.

IN MFA NO.201788/2022

BETWEEN:

SHRIRAM GENERAL INSURANCE CO. LTD.
E-8 EPIP RII CO. INDUSTRIAL AREA,
SITAPUR, JAIPUR, RAJASTHAN
REPRESENTED BY ITS AUTHORIZED OFFICER,

PRESENTLY REPRESENTED BY ITS
SHRIRAM GENERAL INSURANCE CO.LTD,
NO. 3/4, 3RD FLOOR, S V ARCADE,
BELEKAHALLI MAIN ROAD,
OFF BHANNERUGHATTA ROAD,
IIMB POST, BENGALURU 560076

...APPELLANT

(BY SRI SUDARSHAN M., ADVOCATE)



AND:

1. SMT. AKKANAGAMMA W/O LATE PRAKASH,
AGE. 39 YEARS, OCC HOUSEHOLD,
2. SACHIN S/O LATE PRAKASH
AGE. 17 YEARS, OCC. STUDENT,
3. SAGAR S/O LATE PRAKASH
AGE. 15 YEARS, OCC. STUDENT,

PETITIONER NO.2 AND 3 ARE THE MINOR,
REPRESENTED BY NEXT FRIEND/NATURAL
MOTHER I.E. PETITIONER NO.1

4. GURAMMA W/O BASAVANAPPA
AGE. 64 YEARS, OCC. HOUSEHOLD,

ALL ARE R/O. VILLAGE KODADUR,
TQ. CHITTAPUR, DIST. KALABURAGI
PIN CODE 585312

5. SHAKIR S/O SALEEM KHAN
AGE. MAJOR, OCC. OWNER OF TRUCK,
BEARING REGN. NO. MH-04.EB.1627
R/O F.NO.302, H.NO.K3/302,
NEAR OSWAL COMPLEX,
OSWAL EMPIRE BOISAR,
THANE, MAHARASHTRA 401501

...RESPONDENTS

(BY SRI SANJEEV PATIL, ADVOCATE FOR R1 TO R4;
R2 & R3 ARE MINORS U/G OF R1;
VIDE ORDER DATED 02.02.2023, NOTICE TO R5 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING
TO SET ASIDE THE JUDGMENT AND AWARD DATED
20.01.2022 PASSED IN MVC NO.65/2018, ON THE FILE OF
THE SENIOR CIVIL JUDGE AND MACT-XV AT CHITTAPUR



AND PASS SUCH OTHER ORDERS/RELIEFS AS THIS HON'BLE COURT DEEMS FIT AND PROPER IN THE FACTS CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. These appeals are arising out of the judgment and award dated 20.01.2022 in MVC No.65/2018, on the file of the Senior Civil Judge and MACT-XV, Chittapur (hereinafter referred to as 'Tribunal'), awarding compensation.

3. The relevant facts for adjudication of these appeals are that, on 05.02.2017, the husband of claimant No.1 - Prakash was driving his car bearing registration No.KA-41/N-2349 to attend the marriage at Mumbai and the said car hit the truck bearing registration No.MH-04/EB-1627 from behind on Solapur - Pune highway. On



account of the same, the driver of the car - Prakash died in the accident. Hence, the claimants have preferred MVC No.65/2018 seeking compensation.

4. On service of notice, respondent No.2 - Insurance Company entered appearance and sought for dismissal of the claim petition.

5. The Tribunal after considering the material on record, by its judgment and award dated 20.01.2022, arrived at a conclusion that, the driver of the car has contributed the negligence to the extent of 25% and the driver of the lorry has contributed to the extent of 75%. The Tribunal has directed the respondents to pay the compensation of Rs.13,11,594/- with interest at the rate of 6% per annum from the date claim of petition till realization. Feeling aggrieved by the same, the Insurance Company has preferred MFA No.201788/2022, challenging liability and quantum of compensation. On the other hand, the claimants have preferred MFA No.201330/2022,



seeking enhancement of compensation and modification of the liability.

6. It is argued by Sri Sanjeev Patil, the learned counsel appearing for the claimants that, the Tribunal has committed an error in fastening liability on the driver of the car without considering the true factual aspects on record, as the alleged accident occurred due to the negligence on the part of the driver of the lorry and therefore, he sought for modification of the impugned judgment insofar as liability is concerned and also sought for enhancement of compensation.

7. Sri Sudarshan M., the learned counsel appearing for the Insurance Company has invited the attention of the Court to the sketch appended to the charge sheet and also placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***Nishan Singh and Others vs. Oriental Insurance Company Limited*** reported in ***(2018) 6 SCC 765*** and submitted that, the driver of the car did not maintain the sufficient distance



from the truck and as such, amounting to rash and negligent driving of the car and therefore, he sought for modification of the liability. It is also argued that, the award of compensation is on the higher side.

8. Having taken note of the submission made by the learned counsel appearing for the parties, I have carefully examined the sketch appended to the charge sheet, wherein it shows that, the alleged accident occurred on 05.02.2017, in which the car being driven by the deceased - Prakash was hit to the lorry in question from behind. By looking into the fact that there was speed break on the National Highway and the driver of the truck ought to have apply break by slowing down the speed. Therefore, I find force in the submission made by the learned counsel appearing for the claimants. However, it is also to be noted that, the driver of the car ought to have maintained sufficient distance from truck, as the truck being negotiating with joining of the National Highway road. In that view of the matter, looking into the nature



of the alleged accident as per the sketch and also in view of the judgment of the Hon'ble Supreme Court in the case of **Nishan Singh** (supra), I am of the view that, the driver of the car has contributed to the extent of 30% to the alleged accident. Accordingly, the liability between the driver of the car and the driver of the truck would be 30% - 70%.

9. Insofar as award of compensation is concerned, the claimants are the legal representatives of deceased - Prakash. The deceased was aged about 40 years at the time of the accident. The learned counsel appearing for the claimants submitted that, the deceased - Prakash was working as a driver, however, no material has been produced to that effect. Therefore, as the accident is of the year 2017, as per the guidelines of the Karnataka State Legal Services Authority, monthly income of the deceased would be Rs.10,250/-. In terms of the judgment of the Hon'ble Supreme Court in the case of **National Insurance Company Limited Vs. Pranay Sethi,**



reported in **(2017) 16 SCC 680**, 25% of the income has to be added towards future prospects of the deceased. By deducting $1/4^{\text{th}}$ and by applying the appropriate multiplier of 15, as per the judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation**, reported in **(2009) 6 SCC 121**, the claimants are entitled for Rs.17,29,688/- ($\text{Rs.10,250} + 25\% \times 12 \times 15 \times 3/4^{\text{th}}$) towards loss of dependency.

10. The claimants are entitled for Rs.1,60,000/- ($\text{Rs.40,000} \times 4$) towards loss of consortium and Rs.15,000/- each towards loss of estate and funeral expenses. Accordingly, the quantum of compensation required to be reassessed as follows:

Heads	Amount
Loss of dependency	Rs.17,29,688/-
Loss of love and affection	Rs.1,60,000/-
Towards funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.19,19,688/-
Less: awarded by Tribunal	Rs.13,11,594/-



11. In the result, I pass the following:

ORDER

- I. The appeals are allowed in part.
- II. The claimants are entitled total compensation **Rs.19,19,688/-** as against **Rs.13,11,594/-** with interest at the rate of 6% per annum from the date of claim petition till realization.
- III. The liability of the driver of the car and the driver of the lorry is to the extent of 30% - 70%.
- IV. The appellant - Insurance Company is directed to deposit the compensation amount within six weeks from the date of receipt of certified copy of this judgment.
- V. The claimants are entitled for 70% of the total compensation of **Rs.19,19,688/-** with interest at the rate of 6% per annum.
- VI. Amount in deposit, if any, be transmitted to the Tribunal.



NC: 2026:KHC-K:1781
MFA No. 201330 of 2022
C/W MFA No. 201788 of 2022

VII. The apportionment and deposit of the
compensation shall be as per the award of the
Tribunal

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 SI No.: 21
CT-PK