



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.201758 OF 2024 (MV-D)

BETWEEN:

MAHADEVAMMA W/O LATE ISHAPPA
AGE: 58 YEARS, OCC: HOUSEWIFE
R/O. SIRVAR, DIST: RAICHUR
NOW R/O. BASAVA NILAYA
PCB COLONY, RAICHUR

...APPELLANT

(BY SMT. PATIL SHANTABAI SUBHASH, ADVOCATE)

AND:

1. SYED SUBHAN S/O SYED KAHJA HUSSAIN
AGE: 54 YEARS, OCC: DRIVER OF BULERO
VEHICLE BEARING NO.KA-33/A-2914
KURDI, TQ: MANVI, NOW R/O H.NO.26
NEW ASHRAYA COLONY, RAICHUR
DIST: RIAHCUR-584101.
2. MOHAMMED ALI S/O ABDUL GANI SAB
AGE: MAJOR, OCC: OWNER OF BULERO
VEHICLE BEARING NO.KA-33/A92914
R/O H.NO.12-6-592, LBS NAGAR,
RAICHUR-584101
- 2(a). MR. MASOOD ALI S/O MOHAMMED ALI
(SON OF DECEASED AND LRS OF RESP. NO.2)
AGE: 32 YEARS, OCC: BUSINESS





R/O.H.NO.12-6-592, LBS NAGAR
RAICHUR-584101

3. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE CO. LTD.,
DIVISIONAL OFFICE, 1ST FLOOR,
ANAGA COMPLEX, RAICHUR-584101

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R3;
NOTICE TO R1 AND R2(a) IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, PRAYING TO
ALLOW THE APPEAL BY SETTING ASIDE THE JUDGMENT AND
AWARD DATED 12.12.2023 PASSED BY THE II ADDL. DISTRICT
AND SESSIONS JUDGE AND MOTOR ACCIDENT CLAIMS
TRIBUNAL AT RAICHUR, IN MVC NO.293/2019 AND PLEADED
TO AWARD COMPENSATION, IN THE INTEREST OF JUSTICE
AND EQUITY.

THIS APPEAL 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. This appeal is preferred by the claimants,
seeking enhancement of compensation, assailing the
judgment and award dated 12.12.2023 in MVC
No.293/2019, on the file of II Additional District and



Sessions Judge and Motor Accident Claims Tribunal at Raichur, awarding compensation.

3. Smt.Patil Shantabai, the learned counsel appearing for the appellant/claimant submitted that, the deceased was working in Non Government Organization (NGO) as per Ex.P9, however, the Tribunal has not properly taken the salary of the deceased and therefore, she sought for interference of this Court.

4. *Per contra*, Smt.Preeti Patil Melkundi, the counsel appearing for respondent No.3 – Insurance Company submitted that, the claimant has not examined the employer as to the prove the employment of the deceased as per Ex.P9 and therefore, she sought for dismissal of the appeal.

5. In the light of the submission made by the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the road traffic accident on 24.01.2019, in which the son of the claimant - Prashant



died. Taking into consideration the age of the deceased as 27 years and as per the guidelines issued by the Karnataka State Legal Services Authority, monthly income of the deceased would be Rs.13,250/-. By adding 40% (Rs.5,300/-) of the income as per 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** and by deducting 50% of the income (Rs.9,275/-), as the deceased was a bachelor, the claimant is entitled for Rs.18,92,100/- (Rs.9,275x12x17) towards loss of dependency.

6. The claimant is entitled for Rs.15,000/- each towards loss of estate and funeral expenses. The claimant is the mother of the deceased and she is entitled for Rs.40,000/- towards filial consortium. The Tribunal has also awarded 20% escalation on the award amount under conventional heads. In that view of the matter, the award of compensation made by the Tribunal at Rs.19,76,100/- is in accordance with law and no grounds have been made



**NC: 2026:KHC-K:1931
MFA No. 201758 of 2024**

by the appellant/claimant as to enhancement of compensation. Hence, the judgment and award made by the Tribunal is hereby confirmed.

Accordingly, the appeal is ***dismissed***.

**Sd/-
(E.S.INDIRESH)
JUDGE**

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