



NC: 2026:KHC-K:1757
MFA No. 201782 of 2018
C/W MFA No. 201783 of 2018
MFA.CROB No. 200011 of 2023
AND 1 OTHER

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. 201782 OF 2018 (MV-I)

C/W

MISCL. FIRST APPEAL NO. 201783 OF 2018 (MV-D)

MFA CROSS OBJ NO. 200011 OF 2023 (MV-I)

MFA CROSS OBJ NO. 200014 OF 2023 (MV-I)

IN MFA No. 201782/2018:

BETWEEN:

CHOLAMANDALAM M.S
GENERAL INSURANCE CO. LTD,
UNIT NO.6, 10TH FLOOR, LEVEL-6,
GOLDEN HEIGHTS COMPLEX, 5TH CROSS, INDUSTRIAL
SUBURB,
RAJAJI NAGAR, BANGALORE-10
(THROUGH AUTHORISED SIGNATORY).



...APPELLANT

(BY SRI. SUBHASH MALLAPUR, ADVOCATE)

AND:

1. SHIVRAJ S/O DEVENDRAPPA DESAI,
AGE: 35 YEARS, OCC:AGRI., (NOW NIL),
R/O AIKUR, TQ.SHAHAPUR,
DIST.YADGIR-585202.
2. MEHABOOB S/O ISMAIL SAB,
AGE:50 YEARS, OCC:BUSINESS,
R/O AIKUR, TQ.SHAHAPUR,



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DIST.YADGIR-585202
(TRAX TOOFAN JEEP NO.KA-35/7222)

...RESPONDENTS

(BY SRI. S.S. SAJJANSHETTY, ADVOCATE FOR R1;
V/O DTD.14.02.2023 NOTICE TO R2 IS HELD SUFFICIENT)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO-
ALLOW THE ABOVE APPEAL AND CONSEQUENTLY BE PLEASED TO
SET ASIDE THE JUDGMENT AND AWARD DATED-26.03.2018
PASSED THE SENIOR CIVIL JUDGE AND ADDL. MACT, SHAHAPUR,
IN MVC NO.313/2013.

IN MFA NO. 201783/2018

BETWEEN:

CHOLAMANDALAM M.S
GENERAL INSURANCE CO. LTD,
UNIT NO.6, 10TH FLOOR LEVEL-6 GOLDEN HEIGHTS
COMPLEX 5TH CROSS INDUSTRIAL SUBURB,
RAJAJI NAGAR BANGALORE-10
(THROUGH AUTHORISED SIGNATORY)

...APPELLANT

(BY SRI. SUBHASH MALLAPUR, ADVOCATE)

AND:

1. SHARNAPPA
S/O NEELAKANTAYYA @ NEELAKANTARAYA YERUNDI,

EXPIRED ON 03.06.2024 BY LRS, A TO E,

- A) RENUKA D MALLED D/O SHARANAPPA,
AGE:37 YEARS, OCC: HOUSE HOLD,
R/O AIKUR VILLAGE, NOW AT KALLUR K VILLAGE,
TQ. JEWARGI, DIST. KALABURAGI.
- B) BHAGYASHREE W/O NINGANAGOUDA
D/O LATE SHARANAPPA,
AGE:35 YEARS, OCC: HOUSE HOLD AND COOLIE,
NOW R/O KODEGEHALLI, TQ. DODDA BALLAPUR, DIST.



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BENGALURU.

- C) AMARESH S/O LATE SHARANAPPA,
AGE: 31 YEARS, OCC: AGRICULTURE & SERVICE,
R/O AIKUR VILLAGE, TQ. SHAHAPUR,
NOW WADGERA, DIST. YADGIR,
- D) AADESH S/O LATE SHARANAPPA,
AGE: 31 YEARS, OCC: AGRICULTURE,
R/O AIKUR VILLAGE, TQ. WADAGERA,
DIST. KALABURAGI.
- E) MALLIKARJUN S/O LATE SHARANAPPA,
AGE:30 YEARS, OCC: AGRICULTURE,
R/O AIKUR VILLAGE, TQ. WADAGERA,
DIST. YADGIR.
2. MEHABOOB S/O ISMAIL SAB,
AGE: 50 YEARS, OCC: BUSINESS,
R/O AIKUR, TQ. SHAHAPUR, DIST: YADGIR
TRAX TOOFAN JEEP NO.KA-35/7222

...RESPONDENTS

(BY SRI. S.S. SAJJANSHETTY, ADVOCATE FOR R1;
R2 SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
PRAYING TO ALLOW THE ABOVE APPEAL AND CONSEQUENTLY
BE PLEASED TO SET ASIDE THE JUDGMENT AND AWARD DATED
26.03.2018, PASSED THE SENIOR CIVIL JUDGE AND ADDL.MACT
AT SHAHAPUR IN MVC NO.314/2013.

IN MFA.CROB NO. 200011/2023

BETWEEN:

SHIVARAJ S/O DEVENDRAPPA DESAI,
AGE: 39 YEARS, OCC: AGRICULTURE,
R/O AIKUR VILLAGE,
TQ. SHAHAPUR DIST. YADGIR

...CROSS OBJECTOR

(BY SRI. S.S. SAJJANSHETTY, ADVOCATE)



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AND 1 OTHER

AND:

1. MEHABOOB S/O ISMAIL SAB,
AGE: 54 YEARS, OCC: BUSINESS,
R/O AIKUR VILLAGE, TQ. SHAHAPUR,
DIST. YADAGIR-585 202,
(OWNER/INSURED OF TRAX TOOFAN
JEEP NO.KA-35/7222).
2. CHOLAMANDAM M.S. GENERAL INSURANCE CO. LTD., UNIT
NO.6, 10 FLOOR, LEVEL-6,
INDUSTRIAL SUBURB RAJAJI NAGAR,
BANGALURU-10,
(THROUGH AUTHORIZED SIGNATORY).

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R2;
V/O DTD.14.02.2023 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA CROB. FILED IS U/S. 41 RULE 22 R/W SECTION 151 OF CPC, PRAYING TO ALLOW THE CROSS OBJECTION BY MODIFYING THE COMMON JUDGMENT AND AWARD DATED 26.03.2018 PASSED IN MVC NO. 313/2013 BY THE SENIOR CIVIL JUDGE AND ADDL MACT SHAHAPUR DIST, YADGIR, AND FURTHER BE PLEASED TO MODIFY THE AWARD AND ENHANCE THE AMOUNT OF COMPENSATION PAYABLE IN ACCORDANCE WITH LAW IN THE FACTS AND CIRCUMSTANCES OF THE CASE ALONG WITH INTEREST BY DISMISSING THE MFA NO. 201782/2018, AS DEVOID OF MERITS, FILED BY THE RESPONDENT NO. 2/ INSURER HEREIN ABOVE, TO MEET THE REAL ENDS OF JUSTICE, EQUITY AND GOOD CONSCIENCE.

IN MFA.CROB NO. 200014/2023

BETWEEN:

1. SHARANAPPA S/O NEELKANTAYYA
@ NEELKANTARAY YERUNDI,

EXPIRED ON 03.06.2024 BY LRS.,

A) RENUKA D/O SHARANAPPA (D MALEED),



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AND 1 OTHER

AGE: 37 YEARS,
R/O AIKUR NOW KALLUR K.VILLAGE,
TQ. JEWARGI, DIST. KALABURAGI.

- B) SMT. BHAGYASHREE W/O.NINGANAGOUDA,
(D/O LATE SHARANAPPA),
- C) AMARESH S/O LATE SHARANAPPA,
AGE: 31 YEARS, OCC: AGRICULTURE & SERVICE,
- D) AADESH S/O LATE SHARANAPPA,
AGE: 31 YEARS, OCC: AGRICULTURE & SERVICE,
- E) MALLIKARJUN S/O LATE SHARNAPPA,
AGE: 30 YEARS, OCC: AGRICULTURE,

ALL C,D,E,R/O AIKUR VILLAGE,
TQ. WADAGERA, DIST. YADAGIR-585 202.

...CROSS OBJECTORS

(BY SRI. S.S. SAJJANSHETTY, ADVOCATE)

AND:

- 1. MEHABOOB S/O. ISMAIL SAB,
AGE: 54 YEARS, OCC: BUSINESS,
R/O AIKUR VILLAGE,
TQ. SHAHAPUR, DIST. YADGIR-585202.
OWNER /INSURED OF TRAX TOOFAN JEEP
NO.KA-35/7222).
- 2. CHOLAMANDAM M.S. GENERAL INSURANCE CO. LTD.,
UNIT NO.6, 10 FLOOR, LEVEL-6,
GOLDEN HIGHT COMPLEX, 5TH CROSS,
INDUSTRIAL SUBURB, RAJAJI NAGAR,
BANGALURU-10,
(THROUGH AUTHORIZED SIGNATORY).

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R2)

THIS MFA CROB. IS FILED U/S. 41 RULE 22 R/W SECTION



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151 OF CPC, PRAYING TO ALLOW THE CROSS OBJECTION BY MODIFYING THE COMMON JUDGMENT AND AWARD DATED 26.03.2018 PASSED IN MVC NO. 314/2013 BY THE SENIOR CIVIL JUDGE AND ADDL MACT SHAHAPUR DIST. YADGIR, AND FURTHER BE PLEASED TO MODIFY THE AWARD AND ENHANCE THE AMOUNT OF COMPENSATION PAYABLE IN ACCORDANCE WITH LAW IN THE FACTS AND CIRCUMSTANCES OF THE CASE ALONG WITH INTEREST BY DISMISSING THE MFA NO. 201783/218, AS DEVOID OF MERITS, FILED BY THE RESPONDENT NO. 2/ INSURER HEREIN ABOVE, TO MEET THE REAL ENDS OF JUSTICE, EQUITY AND GOOD CONSCIENCE.

THESE APPEALS AND CROSS OBJECTIONS COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

In MFA No.201782/2018 C/w. MFA Crob.No.200011/2023

1. MFA No.201782/2018 is preferred by the Insurance company and MFA Crob.No. No.200011/2023 is filed by the claimant seeking enhancement of the compensation, assailing the Judgment and award dated 26.03.2018 passed in MVC No.313/2013 on the file of the Senior Civil Judge and Additional MACT, Shahapur, (for short 'the Tribunal') awarding compensation.



2. For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.

3. Having taken note of the submission made by the learned counsel for the parties, it is not in dispute as to the occurrence of the accident on 19.05.2013 in which the claimant has sustained grievous injuries.

4. Having taken note of the submission made by the learned counsel appearing for the parties and on careful examination of the injuries sustained by the claimant and the disability certificate issued by the Doctor, I am of the view that the Tribunal has committed an error in considering the disability at 27% which is on the higher side looking into the nature of injuries and therefore, the same is to be reduced to 15% by looking into the nature of the injuries sustained by the claimant, accordingly, the claimant is entitled for just compensation under Section 166 of Motor Vehicles Act.

5. Looking into the nature of the injuries sustained by the claimant and as the accident is of the 2013, as per the guidelines of the Karnataka State Legal Services



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Authority, the monthly income of the claimant is to be taken at Rs.7,000/-. By applying appropriate multiplier of '17' 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**, and taking into consideration the disability at 15%, the claimant is entitled for Rs.2,14,200/- (Rs.7,000/- X 12 X 15 X 17) in respect of the loss of future income.

6. It is also to be noted that, by looking into the nature of the injuries and the evidence of P.W.2, the award of compensation is re-assessed as under:

Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.2,14,200/-
2	Amenities	Rs.50,000/-
3	Pain and sufferings	Rs.50,000/-
4	Medical Bills	Rs.1,56,000/-
5	Loss of income during laid up period	Rs.21,000/-
6	Consortium	Rs.10,000/-
	Total	Rs.5,01,200/-

7. Accordingly, the claimant is entitled for total compensation of Rs.5,01,200/- along with interest at the rate of 6% per annum from the date of petition till the date



of realization, as against Rs.5,60,340/- awarded by the Tribunal.

In MFA No.201783/2018 C/w. MFA Crob.No.200014/2023

8. MFA No.201783/2018 is filed by the Insurance company assailing the award of compensation and Cross Objection No.200014/2023 is filed by the claimants seeking enhancement of the compensation challenging the Judgment and award dated 26.03.2018 passed in MVC No.314/2013 on the file of the Senior Civil Judge and Addl. MACT, Shahapur, awarding compensation.

9. The claim petition in MVC No.314/2013 is filed by the claimant on account of the road traffic accident, occurred on 19.05.2013 in which the claimant has sustained grievous injuries.

10. Learned counsel for the appellant/Insurance company contended that, the award of compensation is on the higher side which requires to be interfered with as the claimant is entitled for just compensation.



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11. On the other hand, Sri. S.S.Sajjanshetty, learned counsel appearing for the legal representatives of the deceased respondent No.1/original claimant submitted that the original claimant died on 03.06.2024 leaving behind the legal representatives and the death of the original claimant was on account of the alleged accident and therefore, the quantum of compensation awarded by the Tribunal requires to be enhanced.

12. In the light of the submission made by the learned counsel for the parties, there is no dispute as to the occurrence of accident on 19.05.2013 in which the claimant sustained grievous injuries.

13. On careful examination of the nature of injuries sustained by the claimant and the disability certificate issued by the treating Doctor – P.W.3, I am of the view that the death of the original claimant on 03.06.2024 is not on account of the injuries sustained by the claimant in the road traffic accident. There is no proximity as to the nature of the injuries and the death of the original claimant. It is to be



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noted that, the original claimant died after 11 years from the date of the accident and therefore, no material has been placed before the Court as to the prove the nexus of injury of the original claimant and the material as to proximity with the death. In that view of the matter, the contention raised by the learned counsel appearing for the cross-objectors cannot be accepted.

14. Insofar as the award of compensation is concerned, by looking into the nature of the injuries, age of the claimant as 55 years. By following the guidelines of the Karnataka State Legal Services Authority, for the accident occurred during 2013, the monthly income of the claimant would be Rs.7,000/- per month. It is also to be noted that, the Tribunal has committed an error in taking the disability at 51% without analyzing the nature of the injury sustained by the claimant. Therefore, I am of the view that, the disability to the extent of 35% has to be considered by applying appropriate multiplier of '11' 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**



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121, the loss of future income would be Rs.3,23,400/- (Rs.7,000/- X 12 X 11 X 35%). It is also to be noted that, the cross-objector has filed application under Order 41 Rule 27 of CPC., and sought for additional compensation of Rs.80,000/- towards medical bills. However, on careful examination of the same, I am of the view that, Rs.50,000/- is to be awarded towards medical bills by allowing the application in I.A.No.2/2024 filed in MFA Crob.No.200014/2025.

15. By looking into the nature of the injuries sustained by the claimant, the claimant is entitled for total compensation as under:

Sl.No.	Heads of compensation	Amount
1	Loss of future income	Rs.3,23,400/-
2	Pain and sufferings	Rs.50,000/-
3	Amenities	Rs.50,000/-
5	Loss of income during laid up period	Rs.21,000/-
6	Loss of consortium	Rs.20,000/-
7	Nutrition and diet	Rs.20,000/-
8	Medical bills	Rs.2,66,160/-
9	Additional medical bills	Rs.50,000/-
	Total	Rs.8,00,560/-



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16. Hence, the claimant is entitled for total compensation of Rs.8,00,560/- as against Rs.7,49,080/- awarded by the tribunal.

ORDER

In MFA No.201782/2018 C/w. MFA Crob.No.200011/2023

(i) MFA No.201782/2018 filed by the Insurance company is allowed in-part;

(ii) MFA Crob.No.200011/2023 filed by the claimant is dismissed;

(iii) The claimant is entitled to total compensation of Rs.5,01,200/- along with interest at the rate of 6% per annum from the date of petition till the date of realization, as against Rs.5,60,340/- awarded by the Tribunal;

(iv) The amount in deposit by the Insurance company be transmitted to the Tribunal, forthwith;

(v) As per order dated 14.02.2023, the claimant/cross objector is not entitled for interest for the delayed period of 714 days in filing the cross objections.



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In MFA No.201783/2018 C/w. MFA Crob.No.200014/2023

(i) MFA No.201783/2018 filed by the Insurance company is dismissed;

(ii) MFA Crob. No.200014/2023 filed by the claimants is allowed in-part;

(iii) The claimants/cross objectors are entitled for total compensation of Rs.8,00,560/- along with interest at the rate of 6% per annum from the date of petition till the date of realization, as against Rs.7,49,080/- awarded by the tribunal;

(iv) As per the order dated 23.02.2026, the claimant/cross objectors is not entitled for interest for the delayed period of 685 days in filing the cross-objections;

(v) The amount in deposit by the Insurance company be transmitted to the Tribunal, forthwith.

Sd/-
(E.S.INDIRESH)
JUDGE