



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

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

MISC. FIRST APPEAL NO.201408 OF 2022 (MV-D)

C/W

MISC. FIRST APPEAL NO.200768 OF 2020 (MV-D)

IN MFA No.201408/2022

BETWEEN:

1. SMT. NAGAMMA W/O LATE SHANKAR,
AGE. 56 YEARS, OCC. HOUSEHOLD
2. SARASWATI D/O LATE SHANKAR,
AGE. 31 YEARS, OCC. NIL
3. CHANDRASHEKAR S/O LATE SHANKAR,
AGE. 34 YEARS, OCC. NIL
4. SHARANABASAPPA S/O LATE SHANKAR,
AGE. 28 YEARS, OCC. NIL,

ALL R/O H.NO.11/345, BORABIA NAGAR, BRAHMPUR,
KALABURAGI-585102.

...APPELLANTS

(BY SRI. BABU H. METAGUDDA.,ADVOCATE)





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MFA No. 201408 of 2022
C/W MFA No. 200768 of 2020

AND:

1. SRI RAJSHEKHAR S/O MAHADEVAPPA MUDABOOL,
AGE. MAJOR, OCC. OWNER OF CAR
NO.G4LBM518LGM 250744,
R/O NEAR RAMALINGESHWAR TEMPLE, WARD NO.1,
MUDABOOL,
TQ. SHAHAPUR, DIST. YADAGIR-585223.
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE CO. LTD.,
PB NO.47, JAWALI COMPLEX, SUPER MARKET,
KALABURAGI-585102.
3. DAWOOD QURESHI S/O MAHEBOOB SAB,
AGE: MAJOR OCC: OWNER OF LORRY BERAING
REG.NO.H.NO.E9/31, BEHIND CHOWK MASJID,
KABADGERA STREET,
SHORAPUR, TQ: SHORAPUR DIST: YADGIR.

...RESPONDENTS

(BY SRI. S. V. PARADDY., ADVOCATE FOR R1
SRI. MOHD. ABDUL QUAYUM, ADVOCATE FOR R2,
SRI. LIYAQAT FAREED USTAD, ADVOCATE FOR R3)

THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V. ACT, PRAYING TO A) CALL FOR THE RECORDS IN MVC NO.172/2017 ON THE FILE OF III ADDL. SENIOR CIVIL JUDGE AND MACT AT KALABURAGI. B) ALLOW THIS APPEAL AND MODIFY THE JUDGMENT AND AWARD DATED 14.02.2020 PASSED IN MVC.NO.172/2107 BY THE III ADDL. SENIOR CIVIL JUDGE AND MACT, AT KALABURAGI AND ENHANCING THE COMPENSATION FROM Rs.6,04,000/- WITH 6% INTEREST TO Rs.14,99,000/- WITH 12% INTEREST. C) GRANT SUCH OTHER AND FURTHER RELIEFS AS THIS HONOURABLE COURT DEEMS FIT, IN THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.



IN MFA NO.200768/2020

BETWEEN:

1. THE UNITED INDIA INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER, PB NO.47,
JAWALI COMPLEX, SUPER MARKET,
KALABURAGI-585101,
NOW REPRESENTED BY ITS ASST. MANAGER
D.O.KALABURAGI PRESENTLY SHIFTED TO CENTURY
COMPLEX 2ND FLOOR SUPER MARKET,
KALABURAGI-585101

...APPELLANT

(BY SRI. MOHD.ABDUL QUAYUM, ADVOCATE)

AND:

1. SMT. NAGAMMA W/O LATE SHANKAR
AGE: 54 YEARS OCC: HOUSEHOLD
2. SARASWATI D/O LATE SHANKAR
AGE: 29 YEARS OCC: NIL
3. CHANDRASHEKHAR S/O LATE SHANKAR
AGE: 32 YEARS OCC: NIL
4. SHARANABASAPPA S/O LATE SHANKAR
AGE: 26 YEARS OCC: NIL
ALL R/O H.NO.11/345, BORABAI NAGAR BRAHMPUR
KALABURAGI-585101
5. SRI. RAJASHEKHAR S/O MAHADEVAPPA MUDABOOL
AGE: MAJOR OCC: OWNER OF CAR BEARING ENGINE
NO.G4L BM 518LGM 250744
R/O: NEAR RAMALINGESHWAR TEMPLE,
WARD NO.1, MUDABOOL, SHAHAPUR
DIST: YADGIR-585223



6. DAWOOD QURESHI S/O MAHEBOOB SAB
AGE:MAJOR OCC: OWNER OF LORRY BEARING
REG.NO.KA-33/A 2675 R/O: H.NO.E9/31,
BEHIND CHOWK MASJID, KABADGERA STREET,
SHORAPUR TQ:SHORAPUR DIST: YADGIR-58522

...RESPONDENTS

(BY SRI. BABU H. METAGUDDA, ADVOCATE FOR R1 TO R4,
SRI. S. V. PARADDY, ADVOCATE FOR R5,
SRI. LIYAQAT FAREED USTAD, ADVOCATE FOR R6)

THIS MFA IS FILED UNDER SECTION 173 (1) OF M.V. ACT, PRAYING TO A) CALL FOR THE RECORDS IN M.V.C.NO.172/2017 BY THE III ADDL. SENIOR CIVIL JUDGE AND MACT, AT KALABURAGI. B) SET ASIDE THE JUDGMENT AND AWARD DATED 14.02.2020 PASSED IN M.V.C.NO.172/2017 BY THE III ADDL. SENIOR CIVIL JUDGE AND MACT, AT KALABURAGI, EXONERATING OR APPROTIONMENT OF THE LIABILITY OF THE APPELLANT TO PAY THE COMPENSATION. C) PASS ANY SUCH ORDER THAT THIS HONOURABLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, 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 E.S.INDIRESH

ORAL JUDGMENT

These appeals are arising out of the judgment and award dated 14.02.2020 in MVC.No.172/2017 on the file of the III Additional Senior Civil Judge and MACT, Kalaburagi, awarding compensation.

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

03. It is the case of the claimants that the husband of the claimant No.1 namely - Shankar while riding his TVSXL motorcycle bearing Reg. No.KA-32-ED-0331 on 23.11.2016 and when he reached near Farthabad village on Jeewargi - Kalaburgi road, at that time the driver of the Hyundai Creta Car bearing Temporary Reg.No.KA-32-TP-020131, while overtaking the Lorry bearing Reg.No.KA-33-A-2675 dashed to the Lorry and thereafter dashed to the motorcycle on which the husband of the claimant No.1 was riding. On account of the said accident, the husband of the claimant No.1 succumbed to the injuries. Hence, the claimants have preferred MVC.No.172/2017.



04. After service of summons, the respondents entered appearance and contested the matter on merits.

05. The Tribunal after considering the material on record by its judgment and award dated 14.02.2020, allowed the claim petition in part and awarded compensation of Rs.6,04,000/- with interest at the rate of 6% per annum from the date of the petition till its realization. The Tribunal has arrived at the conclusion that the respondents No.1 and 2 are jointly and severally liable to pay the compensation. Accordingly, direct to the respondent No.2 - insurance company to deposit the compensation amount.

06. Feeling aggrieved by the award of compensation by the Tribunal as meager, the claimants have preferred MFA.No.201408/2022 and the insurance company has preferred MFA.No.200768/2020, challenging the liability.



07. Heard the learned counsel appearing for the parties.

08. It is argued by Sri. Babu H. Metagudda, the learned counsel appearing for the claimants that the award of compensation made by the Tribunal is on the lesser side, which requires to be enhanced in this case. It is also argued by placing reliance on the judgment of the Hon'ble Supreme Court in the case of ***Khenyei vs. New India Assurance Company Ltd., and others***, reported in ***2015 SAR (Civil) 841*** and the judgment of the Full Bench of this Court in the case of ***Karnataka State Road Transport Corporation, by its Managing Director vs. Arun @ Aravind and others***, reported in ***ILR 2004 Karnataka 26***, that as there is composite negligence on the part of the offending vehicles, the respondent - insurance company be directed to pay the compensation.

09. *Per contra*, Mohd. Abdul Quayum, the learned counsel appearing for the insurance company in MFA.No.200768/2020 argued that, the Tribunal has committed an error in not considering the fact that the



driver of the Lorry alone has contributed as to the accident and there was no negligence on the part of the driver of the Car and therefore, sought for interference of this Court. It is also argued that the award of compensation is just and proper, no interference is called for in this case.

10. In the light of the submission made by the learned counsel for the parties, on careful consideration of the material on record particularly as to the Ex.P.3 – charge-sheet, wherein the charge-sheet has been laid against drivers of the Car as well as the Lorry.

11. In that view of the matter, following the declaration of law made by the Full Bench of this Court in ***Arun @ Arvind*** (*Supra*), I am of the view that as the two or more vehicles are involved and as such the compensation can be recovered by the claimants from any one of the joint tortfeasors. Therefore, I am of the view that the arguments advanced by the learned counsel appearing for the insurance company cannot be accepted as to the liability is concerned by looking into the sketch appended to the charge-sheet at Ex.P.3.



12. Insofar as the award of compensation is concerned, it is not in dispute that the age of the deceased at the time of the accident was 61 years. The accident is of the year 2016 and following the guidelines of the Karnataka Legal Services Authority, the monthly income of the deceased would be Rs.8,750/-. The deceased was aged about 61 years at the time of the accident and therefore, not entitled for the future prospects.

13. In that view of the matter, applying the appropriate multiplier of 7, 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 by deducting 1/4th towards his personal income, the claimants are entitled for Rs.5,51,250/- towards loss of dependency (Rs.8,750/- x 12 x 7 x $\frac{3}{4}$).

14. There are 04 dependents. Therefore, the claimants are entitled for Rs.1,60,000/- towards loss of consortium and Rs.15,000/- each towards loss of estate and funeral expenses. Hence, the claimants are entitled for enhanced compensation as under:



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Heads	Amount
Loss of dependency	Rs.5,51,250/-
Loss of consortium	Rs.1,60,000/-
Towards funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.7,41,250/-
Less: awarded by Tribunal	Rs.6,04,000/-
Enhancement	Rs.1,37,250/-

15. Thus, the claimants are entitled for enhanced compensation of **Rs.1,37,250/-** with interest at the rate of 6% per annum.

16. In that view of the matter, I passed the following:-

ORDER

- I. The **MFA.No.201408/2022** filed by the claimant is allowed in part.
- II. The judgment and award dated 14.02.2020 in MVC.No.172/2017 on the file of the III Additional Senior Civil Judge and MACT, at Kalaburagi, is hereby



modified, as to the payment of compensation is concerned, the claimants are entitled for enhanced compensation of **Rs.1,37,250/-** with interest at the rate of 6% per annum from date of petition till its realization.

III. Insofar as liability is concerned, no interference is called for in this case.

IV. The **MFA.No.200768/2020**, filed by the insurance company, is hereby **dismissed**.

V. The amount in deposit be remitted to the Tribunal forthwith.

In view of the disposal of main appeal, the pending I.As, if any, do not survive for consideration, hence, they are also disposed of.

Sd/-
(E.S.INDIRESH)
JUDGE