



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO. 202047 OF 2019 (MV-D)

BETWEEN:

THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY,
1ST FLOOR, HERALAGI BUILDING,
BEHIND SIDDESHWAR TEMPLE,
VIJAYAPUR.
THROUGH ITS AUTHORISED SINGATORY.

...APPELLANT

(BY SRI. MANVENDRA REDDY, ADVOCATE)

AND:

1. RAMALU S/O. IRAYYA BHANDARI,
AGE ABOUT 69 YEARS, OCC: NIL,
2. LAXMIBAI W/O. RAMALU BHANDARI,
AGE 66 YEARS, OCC: HOUSEHOLD WORK,
3. SWAROOPA W/O. VEERDAS BHANDARI,
AGE 44 YEARS, OCC: HOUSEHOLD WORK,
4. MANISHA D/O. VEERDAS BHANDARI,
AGE 23 YEARS, OCC: NIL,
5. SAI S/O. VEERDAS BHANDARI,
AGE 16 YEARS, M/G BY RESPONDENT NO.1
6. KUMAR S/O. VEERDAS BHANDARI
AGE 12 YEARS, M/G BY RESPONDENT NO.1
ALL ARE R/O. GOUDAR ONI, VIJAYAPUR.



7. MOHAMMED WASIM,
S/O. MOHAMMED SAMAD
AGE 44 YEARS, OCC: BUSINESS,
R/O. C/O. JANATA FRIEGHT CARRIER,
8-2-695/R/S/1-5, FLAT NO.102, BANJARA HILLS,
HYDERABAD, ANDHRA PRADESH-500001.

...RESPONDENTS

(BY SRI. SANGANAGOUDA V. BIRADAR, ADV. FOR R1 TO R6;
V/O. DATED 30.01.2025, NOTICE TO R7 DISPENSED WITH)

THIS MFA IS FILED U/S 173 (1) OF MV ACT, PRAYING TO
CALL FOR RECORDS AND SET ASIDE THE JUDGMENT AND
AWARD DATED 08.02.2019 PASSED IN MVC NO.538/2015 ON
THE FILE OF THE IV ADDL. DISTRICT JUDGE AND MEMBER
MACT-13, VIJAYAPURA BY ALLOWING THE ABOVE APPEAL, IN
THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

1. Heard the arguments from both sides.
2. This appeal is filed by the Insurance company
against the Judgment and award dated 08.02.2019 passed in
MVC No.538/2015 by the MACT – 13, Vijayapura (for short
'the tribunal') on the ground of quantum of compensation.
Sri. Veerdas, met with an accident on 19.11.2009 and died



on the spot. Legal heirs of Sri. Veerdas, filed claim petition seeking compensation of Rs.50,00,000/-. The tribunal after considering the evidence on record, awarded a sum of Rs.14,90,000/- along with interest at the rate of 9% per annum from the date of petition till realization. Aggrieved by the said order, this appeal is preferred by the Insurance company, in which, it is contended that, the compensation awarded by the tribunal is exorbitant and excessive. The notional income of the deceased has been erroneously taken as Rs.9,000/-, though he met with the accident in the year 2009 and his future prospects has been taken as 30% though he was aged 42 years and the amounts granted under other heads is on the higher side and therefore requested for reduction of the compensation.

3. The petitioner was aged 42 years as on the date of the accident. Therefore, the multiplier is to be taken as '14'. It is stated that, the deceased was earning a sum of Rs.15,000/- per month by doing coolie work, but the claimants have not filed any income proof. As the deceased met with the accident on 19.11.2019 his income is to be



taken at Rs.5,000/- per month as per the guidelines of the Karnataka State Legal Services Authority. But the tribunal has taken the income of the deceased at Rs.6,250/-. He is also entitle for 25% additional income towards future prospects. As per the decision of the Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi***, reported in ***(2017) 16 SCC 680***. Since the dependents are six in numbers, $1/5^{\text{th}}$ is to be deducted towards personal expenses as per the ***Sarla Verma Vs. Delhi Transport Corporation***, reported in ***(2009) 6 SCC 121***. The loss of dependency would be as under:

$$\text{Rs.5,000/-} + 25\% - 1/5^{\text{th}} \times 12 \times 14 = \text{Rs.8,40,000/-}$$

4. The claimant Nos.1 and 2 are the parents, they are entitle to Rs.40,000/- each towards filial consortium. Claimant No.3 is the wife, she is entitle Rs.40,000/- under the head of spousal consortium and claimant Nos.4 to 6 are entitle a sum of Rs.40,000/- each under the head of parental consortium. Apart from that, the claimants are also entitle a sum of Rs.30,000/- under the head of conventional heads, loss of estate and loss of funeral expenses as per the decision of the



Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi*** (supra). Hence, the total compensation would be as under:

Sl.No.	Heads of compensation	Amount
1	Loss of dependency	Rs.8,40,000/-
2	Consortium (Rs.40,000/- X 6)	Rs.2,40,000/-
3	Loss of estate and funeral expenses	Rs.30,000/-
	Total	Rs.11,10,000/-

5. The compensation awarded by the tribunal in a sum of Rs.14,90,000/- is reduced to Rs.11,10,000/- along with interest at the rate of 6% per annum from the date of petition till realization.

6. It is stated that, the Insurance company has deposited 50% of the compensation amount before the tribunal.

7. Accordingly, the following:

ORDER

- (i) The appeal is allowed in part;
- (ii) The compensation awarded by the tribunal in a sum of Rs.14,90,000/- is reduced to Rs.11,10,000/- along with interest at the



rate of 6% per annum from the date of petition till realization;

- (iii) The statutory deposit if any deposited by the Insurance company shall be transmitted to the tribunal, forthwith;
- (iv) The Insurance company is directed to deposit the remaining balance compensation along with 6% interest within one month from the date of this order;
- (v) On such deposit, the claimants are permitted to withdraw the entire amount.

Sd/-
(P SREE SUDHA)
JUDGE