



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. 202301 OF 2024 (MV-D)

BETWEEN:

1. SAVITA W/O ANIL @ ANILKUMAR,
AGE: 42 YEARS, OCC: HOUSEHOLD.
2. ANIL @ ANILKUMAR S/O MANOHAR,
AGE: 44 YEARS, OCC:PRIVATE WORK.
3. SANKET S/O ANIL @ ANILKUMAR,
AGE: 20 YEARS, OCC: STUDENT,
ALL RESIDENCE OF H.NO. 1892/1,
SHIVAJI NAGAR,
GUNJ ROAD, KALABURAGI-585101.



...APPELLANTS

(BY SMT. ANURADHA M. DESAI, ADVOCATE)

AND:

1. ASIF S/O FAROOQ PATEL,
AGE: MAJOR,
OCC: OWNER OF LORRY BEARING NO.
MH-24/AB-9263,
RESIDENCE OF TM CARRIERS JAIBUN,
OPP. BUS STAND NO.1,
MAIN ROAD,
LATUR MAHARASHTRA-413512.



2. THE MANAGER, HDFC ERGO
GENERAL INSURANCE COMPANY,
A.K. ASIAN GRAND, OPP. GESCOM OFFICE,
STATION ROAD, KALABURAGI-585102.

...RESPONDENTS

(BY SRI MANJUNATH MALLAYYA SHETTY, ADVOCATE FOR R2;
V/O DTD.12.09.2024 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO
A) ALLOW THE APPEAL AND THE MODIFY THE JUDGMENT AND
AWARD DATED 27.10.2023 PASSED IN MVC NO.788/2022 ON
THE FILE OF I ADDL. SENIOR CIVIL JUDGE AND MACT
KALABURAGI AND ENHANCING THE COMPENSATION. B)
GRANT SUCH OTHER AND FURTHER RELIEFS AS THIS COURT
DEEMS FIT, IN THE CIRCUMSTANCES OF THE CASE.

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

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

ORAL JUDGMENT

The claimants seeking enhancement of
compensation by challenging the judgment and award
dated 27.10.2023 in MVC.No.788/2022 on the file of the I
Additional Senior Civil Judge and MACT, Kalaburagi,
awarding compensation.

02. Having taken note of the submission made by
the learned counsel appearing for the parties, it is not in



dispute as to the fact that the son of the claimants No.1 and 2 namely Dadarao died in the road traffic accident on 04.04.2022. There are three claimants. The deceased was a bachelor at the time of the accident.

03. Though, the learned counsel appearing for the appellants submitted that the deceased was working as a driver and has examined the employer of the deceased as PW.2. However, no acceptable documentary evidence has been produced by the claimants to take the salary of the deceased at Rs.20,000/- per month. The accident is of the year 2022 and as per guidelines of the Karnataka Legal Services Authority, the monthly income of the deceased would be Rs.14,750/-.

04. By looking into the quantum of compensation awarded by the Tribunal and same is in accordance with the judgment of Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi***, reported in ***(2017) 16 SCC 680*** and in the case of



Sarla Verma Vs. Delhi Transport Corporation,
reported in ***(2009) 6 SCC 121***. Therefore, the appeal
fails.

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

06. In view of 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

KJJ
List No.: 1 Sl No.: 35
CT:PK