



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.202651 OF 2022 (MV-D)

BETWEEN:

1. IRAPPA S/O VEERABHADRAPPA BIJJUR,
AGE: 52 YEARS, OCC: TEACHER,
2. SMT. BASAMMA W/O IRAPPA BIJJUR,
AGE: 47 YEARS, OCC: HOUSEHOLD,

BOTH ARE R/O. BIDARKUNDI, TQ. MUDDEBIHAL,
TQ. VIJAYPURA-586 212.

...APPELLANTS

(BY SRI. GOPALKRISHNA B. YADAV, ADVOCATE)

AND:

1. IRANAGOUDA S/O SANGAPPA BIRADAR,
AGE: 47 YEARS, OCC: BUSINESS,
R/O. BIRADAKUNDI TQ. MUDDEBIHAL-586 212.
2. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
S.S. FRONT ROAD,
TQ. AND DIST. VIJAYAPURA-586 212.

...RESPONDENTS

(BY SRI. VISHWANATH RAMPUR, ADV. FOR R2;
SRI. MANVENDRA REDDY, ADV. FOR R2)

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signed by
SUMITRA
SHERIGAR
Location
HIGH COURT
OF
KARNATAKA



THIS MFA IS FILED U/S. 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ALLOW THIS APPEAL BY SET ASIDE THE JUDGMENT AND AWARD DATED 24.04.2018 PASSED BY THE SENIOR CIVIL JUDGE AND MACT VIII MUDDEBIHAL IN MVC NO.104/2014 AND AWARD COMPENSATION AS CLAIMED IN THE CLAIM PETITION.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

Though this appeal is listed for admission, with consent of both sides, the same is taken up for hearing.

2. Heard the arguments of both sides.

3. This appeal is filed against the judgment and award dated 24.04.2018 passed by the Court of Senior Civil Judge and MACT-VIII, Muddebihal, in MVC No.104/2014.

4. One Basavaraja, aged 16 years, met with an accident on 02.09.2010 and died. His parents filed claim petition claiming compensation of Rs.9,50,000/- with interest at the rate of 18% per annum. The tribunal considered in the entire



evidence on record and granted Rs.5,00,000/- with interest at the rate of 9% per annum from the date of petition till realisation.

5. Aggrieved by the said award, this appeal is preferred in which it is contended that insufficient amount was granted by the tribunal for loss of dependency. The deceased was helping his mother in selling milk to people. Therefore, requested for enhancement of compensation.

6. The petitioner-claimants have stated that the deceased was earning Rs.3,000/- per month, but they have not filed any documents to prove his income. As the deceased met with the accident on 02.09.2010, his income is to be taken as Rs.5,500/- per month as per the guidelines of the Karnataka State Legal Services Authority. The deceased is entitled for 40% towards future prospects, as per the citation of Hon'ble Apex Court in ***National Insurance Company Limited Vs. Pranay Sethi***¹. As per the guidelines of the Hon'ble Apex Court in ***Sarla Verma Vs. Delhi Transport Corporation***², if

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121



the deceased was unmarried, 50% of his income is to be deducted towards his personal expenses. The age of the deceased is 16 years, and the applicable multiplier is 18. Thus, the compensation towards loss of dependency comes to Rs.8,31,600/- (5,500/- + 40% - 50% x 12 x 18).

7. Consortium is to be granted as per the guidelines of the Hon'ble Supreme Court in the cases of ***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram & others³***, and ***United India Insurance Company Limited vs. Satinder Kaur @ Satwinder Kaur and others⁴***. Accordingly, it is just and reasonable to award Rs.40,000/- each (i.e. Rs.80,000/-) towards loss of consortium to the claimants. The claimants are also entitled for an amount of Rs.30,000/- under the conventional heads as per the citation in the case of ***National Insurance Company Limited Vs. Pranay Sethi***. Thus, the total compensation comes to Rs.9,41,600/-.

³ (2018) 18 SCC 130

⁴ (2020) 9 SCC 644



8. It is submitted that the respondent No.2-insurance company has already deposited Rs.5,00,000/- before the tribunal. Therefore, respondent No.2 is to be directed to deposit the enhanced compensation of Rs.4,41,600/- with interest at the rate of 6%.

9. In the result, the appeal is allowed in part. The petitioner-claimants are entitled for the total compensation of Rs.9,41,600/- with interest at the rate of 6%. Respondent No.2 – insurance company is directed to deposit the enhanced compensation of Rs.4,41,600/- with interest at the rate of 6%, within one month from the date of this order. On such deposit, the petitioners are permitted to withdraw the entire amount along with interest accrued on it, equally.

10. In view of the order dated 02.04.2025 passed on I.A.No.1/2023, the claimants are not entitled for interest for the delayed period of 755 days in filing the appeal.

sd/-
(P SREE SUDHA)
JUDGE

CS
List No.: 1 Sl No.: 59 CT: AK