



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS. JUSTICE P. SREE SUDHA

MISCL. FIRST APPEAL NO.202486 OF 2018 (MV-D)

BETWEEN:

1. SRI SHANTAKUMAR S/O SHARANAPPA NIPPANI,
AGE: 47 YEARS, OCC: NIL,
2. SMT. MAHADEVI W/O SHANTAKUMAR NIPPANI,
AGE: 41 YEARS, OCC: H.H. WORK,
3. KUM. BHAGYASHREE D/O SHANTAKUMAR NIPPANI,
AGED ABOUT 18 YEARS,

ALL ARE R/O. VILLAGE MUDBI,
TQ. BASAVAKALYAN,
DIST. BIDAR-585 437.

...APPELLANTS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE)

AND:

1. SRI BANDEPPA S/O BHIMAPPA HIPPARGE,
AGE: 47 YEARS, OCC: BUSINESS & RC OWNER OF
APE AUTO BEARING NO.KA-56/1203,
R/O. VILLAGE MUDBI, TQ. BASAVAKALYAN,
DIST. BIDAR-585 437.
2. SRI SURESH S/O VAJINATHRAO,
AGE: MAJOR, OCC: BUSINESS & INSURANCE
OWNER OF APE AUTO BEARING NO.KA-56/1203,

Digitally signed
by SUMITRA
SHERIGAR
Location:
HIGH COURT
OF
KARNATAKA



R/O. VILLAGE MUCHALAMB,
TQ. BASSAVAKALYAN,
DIST. BIDAR-585 437.

3. THE MANAGER,
HDFC ERGO GENERAL INSURANCE CO. LTD.,
1ST FLOOR, VEERUKRUPA, OPP: KIMS MAIN ROAD,
R.B. ROAD, VIDYANAGAR,
HUBLI-580 021.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE, FOR R3;
R1 & R2 - SERVED)

THIS MFA IS FILED U/S. 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 20.12.2017 PASSED BY THE II ADDL. DISTRICT AND SESSIONS COURT AND ADDL. MACT, BIDAR, SITTING AT BASAVAKALYAN, IN MVC NO.476/2016 AND AWARD THE COMPENSATION AS PRAYED FOR IN THE ORIGINAL 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

(PER: HON'BLE MRS. JUSTICE P. SREE SUDHA)

This appeal is preferred by the claimants against the judgment and award dated 20.12.2017 passed by the II Additional District and Sessions Judge, Bidar, sitting at Basavakalyan [for short 'Tribunal'], in MVC No.476/2016, seeking enhancement of compensation.



2. One Akash met with an accident on 11.03.2016 and died. His parents and unmarried sister filed claim petition claiming compensation of Rs.15,00,000/-. The Tribunal considered the entire materials on record and awarded Rs.5,90,000/- with interest at the rate of 9% per annum from the date of petition till realisation. Aggrieved by the said order, claimants filed this appeal.

3. Heard arguments of both the parties and perused the materials available on record.

4. The main contentions of the claimants are that the deceased was aged 18 years and earning Rs.500/- per day by doing Centring work, but the Tribunal without any basis assessed the same at Rs.30,000/- per annum as notional income. It is stated that the compensation awarded under all heads is meagre and thus, prayed for enhancement of the compensation.

5. It is submitted by the learned counsel for respondent No.3 – Insurance Company that the



compensation awarded by the Tribunal is just and proper and it needs no interference.

6. As per Post Mortem Report deceased was aged 17 years at the time of accident and thus, the multiplier applied by the Tribunal at '18' is just and proper. However, though it is stated that he was earning Rs.500/- per day, no document is produced to prove the same. In the absence of proof of income, as per the chart issued by the Karnataka State Legal Services Authority, this Court finds it just and reasonable to take the notional income of the deceased at Rs.8,750/- per month for the accident of the year 2016. As per the law laid down by the Apex Court in the case of **National Insurance Co. Ltd vs. Pranay Sethi and Others**¹, 40% of Rs.8,750/- i.e., Rs.3,500/- is to be added towards future prospects, which comes Rs.12,250/- per month. As the deceased was bachelor, 50% of Rs.12,250/- is to be deduced towards his

¹ 2017 ACJ 2700 SC



personal expenses, accordingly it comes to Rs.6,125/-.
Thus, the loss of dependency comes to: Rs.6,125/- x 12 x
18 = Rs.13,23,000/-.

7. Appellant Nos.1 and 2 being the parents of the claimant and appellant No.3 being the unmarried sister of the deceased, they are entitled for Rs.40,000/- each towards loss of consortium, in total Rs.1,20,000/-.

8. 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.***

9. Accordingly, the compensation awarded by the Tribunal at Rs.5,90,000/- is enhanced Rs.14,73,000/-. There will be enhancement of Rs.8,83,000/- with interest at the rate of 6% per annum from the date of petition till realization.



10. For the aforesaid reasons, the following:

O R D E R

(i) The appeal is allowed in part.

(ii) The appellants are entitled for compensation of Rs.8,83,000/- with interest at 6% per annum from the date of petition till realization, in addition to what has been awarded by the Tribunal.

(iii) Respondent No.3 – Insurance Company is directed to deposit the compensation amount along with interest, within a period of one month from the date of this order.

(iv) On such deposit, the claimants are permitted to withdraw entire amount along with interest as per the apportionment ordered before the Tribunal.

sd/-
(P. SREE SUDHA)
JUDGE

SBS
List No.: 1 Sl No.: 29
CT: AK