



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

MISCL. FIRST APPEAL NO.202516 OF 2018 (MV-D)

BETWEEN:

THE MANAGER,
ORIENTAL INSURANCE COMPANY
BIDAR, THROUGH ITS DIVISIONAL MANAGER,
OPP.MINI VIDHANA SOUDHA, MAIN ROAD,
KALABURAGI.

...APPELLANT

(BY SRI. MANVENDRA REDDY, ADVOCATE)

AND:

1. KALPANA W/O LATE DILIP KUMAR
SHINDE, AGE: 37 YEARS, OCC: HOUSEHOLD,

2. MAYABAI W/O LATE BHAURAO
SHINDE, AGE: 62 YEARS,
OCC: HOUSEHOLD,

BOTH R/O. VILLAGE KUDLI, TQ. BHALKI,
DIST. BIDAR, NOW AT ADARSH COLONY,
BIDAR- 584 101.

3. MAHESH KUMAR PATEL
S/O HEERALAL PATEL, AGE:MAJOR,
OCC: OWNER OF LORRY BEARING
NO.RJ-03/GA-2355, R/O SAJJAN GARH
KUSHAL GARH, BANWARA-327 801.

...RESPONDENTS

(BY SRI. SANDEEP V. PATIL, ADVOCATE FOR R1 & R2,
NOTICE TO R3 IS DISPENSED WITH, V/O DATED 23.03.2026)

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Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED UNDER SECTION 173(1) OF THE M.V. ACT, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND AWARD DATED 04.10.2018 PASSED BY THE ADDITIONAL SENIOR CIVIL JUDGE AND ADDL. MACT, BIDAR IN MVC NO.641/2016 BY ALLOWING THE APPEAL IS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

Even though the matter is posted at the stage of orders, with the consent of both the parties, the matter is taken up for final disposal.

2. This appeal is filed by the respondent No.2/insurer in MVC No.641/2016 on the file of the Additional Senior Civil Judge and MACT at Bidar ('the Tribunal') for reducing the compensation amount awarded by the Tribunal as per the judgment and award dated 04.10.2018. The respondents No.1 and 2 are claimants and the respondent No.3 is owner of the offending vehicle.



3. The case of the claimants is that claimant No.1 is mother and the claimant No.2 is grandmother of deceased Neha. That on 20.01.2016 the deceased came to her village Kudli, Tq. Bhalki and again boarded Maxi Cab bearing Registration No.KA-39/5259 in Ambesangavi cross to go to village Alandi, Tq. Bhalki. When she was proceeding in Maxi Cab after crossing the Kalasdal cross near the bridge on Bhalki-Udgir road, a Lorry bearing Registration No.RJ-03/GA-2355 (‘the offending vehicle’) came in a rash and negligent manner and dashed to the Maxi Cab. Due to the impact, the inmates of the Maxi Cab were thrown out of the vehicle and the deceased also fell down and sustained grievous injuries to her head and on other parts of the body. Immediately, she was shifted to Government Hospital, Bhalki, wherein she was declared as brought dead due to accidental injuries. The accident took place due to rash and negligent driving of the driver of the offending vehicle. The respondent No.1 is owner and the



respondent No.2 is insurer of the offending vehicle. The deceased was studying in 9th standard and she was excellent in education and she was helping the claimants in day to day work and earning Rs.10,000/- p.m. The claimants are dependents on the deceased for their livelihood. The respondents No.1 and 2 are jointly and severally liable to pay the compensation. Hence, the claimants prayed for allowing the petition.

4. In spite service of notice, the respondent No.1 remained absent and he was placed ex parte. The respondent No.2 appeared and filed written statements denying the averments regarding the alleged accident and contended that the driver of the Maxi Cab is responsible for the accident. The fact regarding age and income of the deceased are denied as false. The respondent No.1 violated the terms and condition of the policy of insurance and hence, the respondent No.2 is



not liable to pay the compensation. Therefore, the respondent No.2 prayed for dismissal of the petition.

5. In support of the case of the claimants, the claimant No.2 got examined herself as P.W.1 and produced documents at Exs.P.1 to P.9. On the other hand, the respondent No.2 examined one witness as R.W.1 and produced one document as Ex.R1.

6. After hearing the arguments of both sides and on considering the materials on record, the Tribunal as per the impugned judgment and award granted compensation as under:

Description	Amount
Loss of income due to dependency	Rs.9,07,200/-
Loss of estate	Rs.15,000/-
Loss of consortium	Rs.30,000/-
Funeral expenses	Rs.15,000/-
Total	Rs.9,67,200/-



7. Being aggrieved by the quantum of compensation, the insurer/respondent No.2 has come up with present appeal for reducing the compensation.

8. Heard the learned counsel for the insurer and the learned counsel for the claimants. Perused the relevant materials placed on record.

9. The contention of the insurer is that the interest granted at 9% is on the higher side. Further, the deceased was aged about 16 years, but her age is shown as 19 years in the postmortem is incorrect and hence, the Tribunal has committed error in relying on the postmortem report at Ex.P.6 in determining the age of the deceased. The Tribunal has committed serious error in adding 40% towards monthly income of the deceased for assessing the compensation under the head loss of future prospects. Hence, the insurer has sought for setting aside the impugned judgment and award.



10. The learned counsel for the respondents/claimants contended that the compensation granted by the Tribunal is just and proper and hence, there is no need to interfere with the impugned judgment and thereby prayed for dismissal of the appeal filed by the insurer.

11. The accident took place in the year 2016 and as submitted by the learned counsel for the claimants, the Tribunal has rightly considered the notional income of the deceased at Rs.8,400/- per month after adding 40% to the monthly income of the deceased at Rs.6,000/-. Further, the deceased being bachelor, 50% of the income is deducted towards personal expenses. Moreover, the multiplier is considered as 18 in view of judgment in the case of **Sarla Verama and Others Vs. Delhi Transport Corporation and Others** reported in **(2009) 6 SCC 121**.



12. Further, the Tribunal as per the decision of the Apex Court in the case of **Praney Sethi**, rightly granted an amount of Rs.15,000/- each under the heads 'loss of estate' and 'funeral expenses'. Further, compensation of Rs.30,000/- is granted in favour of claimant No.1, who is the mother of the deceased. Therefore, there is absolutely no material to show that the compensation awarded by the Tribunal on any of the heads is on the higher side. Hence, the insurer/appellant has failed to make out any ground to set aside the impugned judgment and award of the Tribunal. However, as submitted by the learned counsel for the insurer, the Tribunal has committed an error in awarding interest at 9% p.a. instead of 6% p.a. on the compensation amount. Hence, to that extent the impugned judgment and award is liable to be set aside.

13. In the result, I proceed to pass the following:



ORDER

- a) The appeal is ***allowed in part.***
- b) The judgment of the Claims Tribunal is modified to the extent of rate of interest on the compensation amount.
- c) The claimants are entitled to a total compensation of Rs.9,67,200/- with interest at 6% p.a., instead of 9% p.a. awarded by the Tribunal, from the date of petition till realization.
- d) The appellant/Insurer is directed to deposit entire compensation amount with interest at 6% p.a. from the date of petition till realization, within a period of one month from the date of receipt of copy of this judgment, failing which the claimants are entitled to interest at 12% p.a. from the date



of expiry of the period of one month till realization.

- e) The amount in deposit shall be transmitted to the concerned Tribunal.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

BL
List No.: 1 Sl No.: 4
CT: SB