



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.201965 OF 2022 (MV-D)

C/W

MISCL. FIRST APPEAL NO.200898 OF 2022 (MV-D)

IN MFA No.201965/2022:

BETWEEN:

MANAGER OF UNITED INDIA INSURANCE CO. LTD.,
MICRO OFFICE, SHREEJI LOKITAIRE,
SHOP NO.3, PLOT NO.45-SECTOR-11,
TALOJA PANCHANAND RAIGAD,
NAVI MUMBAI-410 208,
REPRESENTED BY ITS MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
FIRST FLOOR, CANARA BANK BUILDING,
OPP: GUDGAE HOSPITAL,
NEHRU STADIUM ROAD, BIDAR,
DIST. BIDAR, KARNATAKA-585 401,
NOW REPRESENTED BY
ITS AUTHORISED SIGNATORY.



...APPELLANT

(BY SRI S.S. ASPALLI, ADVOCATE)

AND:

1. SANGAPPA S/O MUDDAPPA,
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O. H.NO.35/4, NARAYANPUR VILLAGE,
BASAVA KALYAN, TQ. BASAVAKALYAN,



DIST. BIDAR-585 327.

2. SUNIL KUMAR S/O SANGAPPA GORTE,
AGE: 25 YEARS, OCC: STUDENT,
R/O H.NO.35/4, NARAYANPUR VILLAGE,
BASAVAKALYAN, TQ. BASAVAKALYAN,
DIST. BIDAR-585 327.
3. PRAVIN B SAWANT S/O BALASAHEB SAWANT,
AGE: 46 YEARS, OCC: EMPLOYEE,
R/O HARI HERITAGE CHS LTD., A-901,
PLOT NO.17-A18-19-20, SECTOR NO. 22,
KAMOTHE, TQ. PANVEL, DIST. RAYGARH,
NAVI MUMBAI, MAHARASHTRA-410 208.
OR
PRAVIN BALASAHEB SAWANT S/O B SAWANT,
AGE: 41 YEARS, OCC: EMPLOYEE,
R/O AP F 403, SHANTI COMPLEX,
4TH FLOOR TUNGA VILLAGE,
POWAI MUMBAI, MAHARASHTRA-400 076.

...RESPONDENTS

(BY SRI SANJEEV PATIL, ADVOCATE FOR R1 & R2;
R3 - SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO SET ASIDE THE
JUDGMENT AND AWARD DATED 23.09.2021 IN MVC
NO.224/2019 PASSED BY THE II ADDL. SENIOR CIVIL JUDGE
AND MACT, BIDAR BY ALLOWING THE ABOVE APPEAL.

IN MFA NO.200898/2022:

BETWEEN:

1. SANGAPPA S/O MUDDAPPA,
AGE: 59 YEARS, OCC: AGRICULTURE,
2. SUNILKUMAR S/O SANGAPPA GORTE,
AGE: 25 YEARS, OCC: STUDENT,



BOTH ARE R/O H.NO.35/4,
NARAYANPUR VILLAGE,
BASAVA KALYAN, DIST.BIDAR,
NOW R/O BIDAR.

...APPELLANTS

(BY SRI SANJEEV PATIL, ADVOCATE)

AND:

- 1(A) PRAVIN B SAWANT S/O BALASAHEB SAWANT,
AGE: 45 YEARS, OCC: EMPLOYEE,
R/O HARI HERITAGE CHS LTD., A-901,
PLOT NO.17-A18-19-20, SECTOR NO.22,
KAMOTHE, TQ.PANVEL, DIST. RAYGARH,
NAVI MUMBAI, MAHARASHTRA-410 208.
OR
- (B) PRAVIN BALASAHEB SAWANT S/O O.B.SAWANT,
AGE: 45 YEARS, OCC: EMPLOYEE,
R/O AP F 403, SHANTI COMPLEX,
4TH FLOOR, TUNGA VILLAGE,
POWAI MUMBAI, MAHARASHTRA-400 076.
2. THE MANAGER OF UNITED INDIA
INSURANCE COMPANY LTD.,
MICRO OFFICE, SHREEJI LOKITAIRE,
SHOP NO.3, PLOT NO.45, SECTOR-11,
TALOJA PANCHNAND RAIGAD,
NAVI MUMABI-410 208,
REPT. BY ITS MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
1ST FLOOR, CANARA BANK BUILDING,
OPP: GUDAGE HOSPITAL,
NEHARU STADIUM ROAD,
BIDAR, KARNATAKA-585 401.

...RESPONDENTS

(BY SRI S.S. ASPALLI, ADVOCATE FOR R2;
V/O DTD. 12.02.2025, NOTICE TO R1 DISPENSED WITH)



NC: 2026:KHC-K:1792
MFA No. 201965 of 2022
C/W MFA No. 200898 of 2022

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 23.09.2021 PASSED BY THE 2ND ADDL. SENIOR CIVIL JUDGE AND JMFC, BIDAR IN FILE BEARING MVC NO.224/2019 BY ENHANCING THE COMPENSATION AS PRAYED FOR.

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

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

ORAL JUDGMENT

These appeals are arising out of the judgment and award dated 23.09.2021 in MVC No.224/2019 on the file of the II Additional Senior Civil Judge & JMFC and Motor Accident Claims Tribunal at Bidar, awarding compensation of Rs.12,07,248/- with interest at 6% p.a. from the date of petition till realisation and directing respondent No.2- Insurance Company therein to deposit the same.

2. For the sake of convenience, the parties would be referred to as per their rank before the Tribunal.

3. The relevant facts for adjudication of these appeals are that, on 17.10.2017, the rider of the motorcycle bearing Reg. No.MH-03/AP-2032 (Sunilkumar)



was riding the motorcycle with two pillion riders and when the motorcycle was crossing the speed break, the mother of claimant No.2 slipped from the motorcycle and as such, died in the accident. Hence, the claimants have preferred MVC No.224/2019 before the Tribunal, seeking compensation.

4. The respondents have contested the claim petition by filing the written statement.

5. The Tribunal, after considering the material on record, by judgment and award dated 23.09.2021 has awarded compensation is Rs.12,07,248/- with interest at 6% p.a. from the date of petition till realisation and directed respondent No.2 therein (Insurance Company) to deposit the same .

6. Feeling aggrieved by the inadequacy of compensation, the claimants have preferred MFA No.200898/2022, seeking enhancement of compensation. Whereas, the Insurance Company has preferred MFA



No.201965/2022, challenging the liability as well as quantum.

7. Heard Sri S.S. Aspalli, learned counsel appearing for the Insurance Company and Sri Sanjeev Patil, learned counsel appearing for the claimants.

8. Sri S.S. Aspalli, learned counsel appearing for the Insurance Company contended that, the alleged accident has occurred as there were two pillion riders on a motorcycle, due to which the deceased slipped near the speed break and there is no negligence on the part of the rider of the motorcycle and therefore, the Tribunal has committed an error in answering the question of liability and therefore, sought for interference of this Court.

9. Per contra, Sri Sanjeev Patil, learned counsel appearing for the claimants submitted that, the compensation awarded by the Tribunal is on the lower side, which requires to be enhanced.



10. In the light of the submissions made by the learned counsel appearing for the parties, the careful examination of the records, particularly, the complaint at Ex.P1 makes it clear that, there were two pillion riders, namely, the deceased and claimant No.1 and claimant No.2-Sunilkumar was riding the motorcycle. A perusal of the complaint would indicate that, the mother of claimant No.2 slipped near the speed break and as such, sustained grievous injuries and succumbed to the injuries. Nothing is stated in the complaint as to negligence of the rider of the motorcycle and perusal of the charge sheet at Ex.P5 makes it clear that, there is no negligence on the part of the rider of the motorcycle. However, looking into the nature of injuries, as the alleged accident has occurred before the motorcycle negotiating the speed break, I am of the view that, the rider of the motorcycle ought to have been cautious by riding the motorcycle slowly. It is also to be noted that, the complaint, charge sheet and the sketch appended to the FIR would makes it clear that, the rider of



the motorcycle has also contributed towards the alleged accident. Therefore, the contributory negligence is to be apportioned on the part of the rider of the motorcycle/claimant No.2 to the extent of 30% and the remaining 70% liability is to be fastened on the Insurance Company.

11. Insofar as the quantum of compensation is concerned, since the accident is of the year 2017, as per the guidelines of the Karnataka State Legal Services Authority, the notional income of the deceased is to be taken at Rs.10,250/- per month. As per the judgment of the Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi*** reported in ***(2017) 16 SCC 680***, 25% is to be added towards future prospects. Considering the age of the deceased, the appropriate multiplier would be '13'. Since there were two dependents, 1/3rd is to be deducted towards personal expenses of the deceased. Thus, the



claimants are entitled for Rs.13,32,500/- (Rs.10,250 + 25% x 12 x 13 x 2/3) towards loss of dependency.

12. As per the judgment of the Hon'ble Supreme Court in the case of ***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram & others*** reported in ***(2018) 18 SCC 130***, and in the case of ***United India Insurance Company Limited vs. Satinder Kaur @ Satwinder Kaur and others*** reported in ***(2020) 9 SCC 644***, claimant No.1 being the husband of the deceased is entitled for Rs.40,000/- towards spousal consortium and claimant No.2 being the son of the deceased is entitled for Rs.40,000/- towards parental consortium.

13. As per the judgment of the Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi*** (supra), the claimants are also entitled for an amount of Rs.30,000/- under the conventional heads i.e., loss of estate and funeral expenses.



14. Accordingly, the compensation awarded by the Tribunal is reassessed as under:

Loss of dependency	Rs.13,32,500
Loss of consortium	Rs.80,000/-
Conventional heads	Rs.30,000/-
Total	Rs.14,42,500/-

Thus, the claimants are entitled for total compensation of Rs.14,42,500/-.

15. Since the rider of the motorcycle i.e., claimant No.2 also contributed to the accident to an extent of 30%, the claimants are entitled for only 70% of the total compensation i.e., Rs.10,09,750/- with interest at 6% p.a. from the date of petition till realization.

16. In the result, I pass the following:

ORDER

(i) Both the appeals are allowed in part.

(ii) The judgment and award dated 23.09.2021 in MVC No.224/2019 on the file of the II Additional Senior



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C/W MFA No. 200898 of 2022

Civil Judge & JMFC and Motor Accident Claims Tribunal at Bidar is modified.

(iii) The appellants in MFA No.200898/2022 /claimants are entitled for compensation of Rs.10,09,750/- with interest at 6% p.a. from the date of petition till realization.

(iv) The appellant in MFA No.201965/2022- Insurance Company is directed to deposit the aforesaid compensation amount with interest within six weeks from the date of receipt of a certified copy of this judgment.

(v) The apportionment and deposit of the compensation shall be as per the award of the Tribunal.

(vi) The amount in deposit, if any, be transmitted to the Tribunal for disbursement.

Sd/-
(E.S.INDIRESH)
JUDGE