



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 24<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE E.S.INDIRESH**

**MISCL. FIRST APPEAL NO. 201933 OF 2022 (MV-D)**

**BETWEEN:**

1. BIJAN BEGUM  
W/O BASHASAB @ ABDUL BASHA KORABA,  
AGE: 39 YEARS, OCC: COOLIE AND HH.
2. FATIMA D/O BASHASAB @ ABDUL BASHA KORABA,  
AGE: 19 YEARS, OCC: NIL.
3. ABDUL RAHEMAN @ ABDUL BASHA  
S/O BASHASAB @ ABDUL BASHA KORABA,  
AGE: 17 YEARS, OCC: NIL.
4. MUSKAN D/O BASHASAB @ ABDUL BASHA KORABA,  
AGE: 15 YEARS, OCC: NIL.
5. MAHEBOOB  
W/O BASHASAB @ ABDUL BASHA KORABA,  
AGE: 10 YEARS, OCC: NIL.
6. GURI BEGUM @ GORIBEGUM  
W/O MAQBOOLSAB KORBA  
AGE: 57 YEARS, OCC: HH,  
ALL ARE R/O DORANHALLI VILLAGE, TQ. SHAHAPUR,  
DIST. YADGIR, NOW AT NAZARATH COLONY,  
YADGIR,  
TQ. AND DIST. YADGIR-585223.



...APPELLANTS

(BY SRI GANESH NAIK, ADVOCATE)



**AND:**

1. NINGANNA C/O CHANDAPPA KANGOND,  
AGE: 71 YEARS, OCC: AGRICULTURE, AND  
OWNER OF THE TRACTOR BEARING NO.  
KA-33/TA-5614,  
R/O DORANHALLI VILLAGE, TQ. SHAHAPUR,  
DIST. YADGIR-585223.
2. THE GENERAL MANAGER,  
IFFCOTOKIO GENERAL INSURANCE CO. LTD.,  
SRI SHARANABASAVESHWAR TEMPLE ROAD,  
KALABURAGI DIST. KALABURAGI-585101.

...RESPONDENTS

(BY SRI SUDARSHAN M., ADVOCATE FOR R2;  
R1 SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT, PRAYING TO,  
IT IS HEREBY PRAYING THAT THIS HONOURABLE COURT BE  
PLEASED TO ALLOW THE ABOVE MISC. FIRST APPEAL AND  
CONSEQUENTLY BE PLEASED TO SET ASIDE THE JUDGMENT  
AND AWARDED DATED 06.08.2020 PASSED BY THE COURT OF  
THE SENIOR CIVIL JUDGE AND MACT-II AT YADGIRI IN MVC  
NO.230/2017, AND CONSEQUENTLY BE PLEASED TO  
ENHANCING THE COMPENSATION AMOUNT OF RS.17,00,000/-  
AS CLAIMED BY THE APPELLANTS BEFORE THE TRIBUNAL AND  
DISCHARGE THE 1ST RESPONDENT FROM ITS LIABILITY TO  
PAY THE COMPENSATION AND ALSO BE PLEASED TO  
ENHANCING COMPENSATION SUITABLY AND LIABILITY FIXED  
ON THE RESPONDENT NO.2.



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

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

**ORAL JUDGMENT**

This appeal is directed against the judgment and award dated 06.08.2020 passed in MVC No. 230 of 2017 by the Senior Civil Judge and MACT-II, Yadgiri (for short, "the Tribunal"), awarding compensation to the claimants.

2. For the sake of convenience, the parties in this appeal are referred to according to their status and ranking before the Tribunal.

3. I have heard Sri Ganesh Naik, learned counsel appearing for the appellants, and Sri Sudharshan M, learned counsel appearing for the respondent-Insurance Company. I have also perused the records.



4. In the light of the arguments advanced by the learned counsel appearing for the parties, there is no dispute regarding the occurrence of the road traffic accident on 17.05.2017. As a result of the said accident, the husband of claimant No.1, Bashasab, who was travelling in a tractor bearing registration No. KA-33/TA-5614, fell down from the tractor due to the rash and negligent driving of its driver and succumbed to the injuries sustained in the accident. Hence, the claimants filed MVC No. 230 of 2017, seeking compensation.

5. The Tribunal, after considering the material on record, by its judgment and award dated 06.08.2020, awarded compensation of Rs.10,30,000/- with interest at 6% per annum from the date of petition till realization. Insofar as liability is concerned, the Tribunal exonerated the Insurance Company from



indemnifying the owner of the tractor (respondent No.1) on the ground that the deceased was sitting along with the driver in the tractor, which is impermissible in law. Aggrieved by the same, the claimants have preferred this appeal challenging the finding on liability as well as seeking enhancement of compensation.

6. On perusal of the findings recorded by the Tribunal and the records, it is not in dispute that the husband of claimant No.1 died on account of the accident that occurred on 17.05.2017. Taking into consideration the judgment of the Hon'ble Supreme Court in the case of ***Shivawwa and Another vs. The Branch Manager, National Insurance Company Limited*** reported in ***AIR 2018 SC 1640***, though the deceased was sitting along with the driver in the tractor in question, the Insurance Company is liable to



satisfy the compensation awarded to the claimants and thereafter, recover the same from the owner of the vehicle.

7. Insofar as the quantum of compensation is concerned, the accident occurred in the year 2017. As per the guidelines issued by the Karnataka State Legal Services Authority, the notional income of the deceased is taken at Rs.10,250/- per month. An addition of 40% towards future prospects has to be added in view of 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**. By applying the multiplier of 15 and deducting 1/4th towards personal expenses, in terms of the judgment of the Hon'ble Supreme Court in the case of ***Sarla Verma v. Delhi Transport Corporation***, reported in **(2009) 6 SCC 121**, the



claimants are entitled to compensation of Rs.19,37,250/- ( $10,250 + 40\% \times 15 \times 12 \times \frac{3}{4}$ ) towards 'loss of dependency. Claimants are further entitled to Rs.2,40,000/- towards loss of 'consortium'. In addition, the claimants are entitled to Rs.15,000/- each under the heads of 'loss of estate' and 'funeral expenses'.

8. Taking into consideration the facts and circumstances of the case, the compensation is reassessed under the following heads:

| <b>Heads</b>                         | <b>Amount (Rs.)</b> |
|--------------------------------------|---------------------|
| Loss of Dependency                   | 19,37,250           |
| Loss of consortium                   | 2,40,000            |
| Loss of estate                       | 15,000              |
| Funeral expenses                     | 15,000              |
| <b>Total</b>                         | <b>22,07,250</b>    |
| Compensation awarded by the Tribunal | 10,30,000           |
| <b>Enhanced compensation</b>         | <b>11,77,250</b>    |



9. After deducting the compensation already awarded by the Tribunal, the claimants are entitled to enhanced compensation of Rs.11,77,250/-.

10. Thus, the claimants are entitled to a total compensation of Rs.22,07,250/- with interest at 6% per annum from the date of petition till realization.

11. Accordingly, the appeal is ***allowed in part***. The judgment and award passed by the Tribunal are modified to the extent indicated above.

12. The respondent-Insurance Company is directed to deposit the entire compensation amount within a period of six weeks from the date of receipt of a copy of this order and thereafter, recover the same from the owner of the vehicle in question (respondent No.1).



13. As per the order dated 31.01.2024, the claimants are not entitled to interest for the delayed period of 109 days in filing the appeal.

**Sd/-**  
**(E.S.INDIRESH)**  
**JUDGE**

SB  
List No.: 1 Sl No.: 20  
CT:PK