



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.203254 OF 2023 (MV-D)

C/W

MISCL. FIRST APPEAL NO.201172 OF 2019 (MV-D)

IN MFA No.203254/2023:

BETWEEN:

1. INDUBAI W/O BABU YADAV:
AGE: 59 YEARS, OCC: HOUSEHOLD WORK,
2. VAISHALI D/O BABA YADAV,
AGE: 37 YEARS, OCC: NIL,
3. DASHWANT S/O BABA YADAV,
AGE: 35 YEARS, OCC: NIL,
4. SOMANATH S/O BABA YADAV,
AGE: 33 YEARS, OCC: NIL,
5. DATTA S/O BABA YADAV,
AGE: 30 YEARS, OCC: NIL,

ALL ARE R/O DIGANCHI,
TQ. ATPADI, DIST. SANGLI,
NOW RESIDING AT SHAKTI NAGAR,
VIJAYAPURA-586 101.

...APPELLANTS

(BY SRI SANGANABASAVA B PATIL, ADVOCATE)





AND:

1. SHANKAR S/O DNYANU MHETRE,
AGE: 51 YEARS, OCC: BUSINESS,
R/O DIGANCHI, TQ. ATPADI,
DIST. SANGALI.
2. THE BRANCH MANAGER,
ICICI LOMBARD INSURANCE CO. LTD.,
OPP: GOVERNMENT POLYTECHNIC COLLEGE,
BAGALKOT ROAD, VIJAYAPURA-586 101.

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR R2;
V/O DTD. 24.11.2023, NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGEMENT AND AWARD PASSED BY THE III ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, MACT-XII, VIJAYAPUR IN MVC NO.997/2012 DATED 03.11.2018 FOR SEEKING ENHANCEMENT AND ALLOW THE CLAIM PETITION BY GRANTING THE RELIEF AS PRAYED FOR BY THE APPELLANTS HEREIN.

IN MFA NO.201172/2019:

BETWEEN:

THE BRANCH MANAGER,
ICICI LOMBARD INSURANCE CO. LTD.,
OPP: GOVT. POLYTECHNIC COLLEGE,
BAGALKOT ROAD, VIJAYAPUR.

...APPELLANT

(BY SRI SUBHASH MALLAPUR, ADVOCATE)

AND:

1. INDUBAI W/O BABA YADHAV,
AGE: 55 YEARS, OCC: H. HOLD WORK,



2. VAISHALI D/ BABA YADHAV,
AGE: 33 YEARS, OCC: NIL,
3. DASHWANT S/O BABA YADHAV,
AGE: 31 YEARS, OCC: NIL,
4. SOMANATH S/O BABA YADHAV
AGE: 29 YEARS, OCC: NIL,
5. DATTA S/O BABA YADHAV
AGE: 26 YEARS, OCC: NIL,

ALL R/O DIGANCHI,
TQ. ATPADI, DIST. SANGLI,
NOW R/O SHAKTI NAGAR,
VIJAYAPUR-586 101.

6. SHANKAR S/O DNYANU MHETRE,
AGE: 47 YEARS, OCC: BUSINESS,
R/O DIGANCHI, TQ. ATPADI,
DIST. SANGLI, MAHARASHTRA-410 001.

...RESPONDENTS

(BY SRI SANGANABASAVA B. PATIL, ADVOCATE FOR
R1 TO R5; R6 IS SERVED)

THIS MFA IS FILED U/S. 173(1) OF THE MOTOR
VEHICLES ACT, PRAYING TO ALLOW THE APPEAL BY
SETTING ASIDE THE JUDGEMENT AND AWARD DATED
03.11.2018 IN MVC NO.997/2012 PASSED BY THE III
ADDITIONAL SENIOR CIVIL JUDGE AND MACT-XII,
VIJAYAPUR.

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



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

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. These appeals are arising out of the judgment and award dated 03.11.2018 in MVC No.997/2012, on the file of III Additional Senior Civil Judge and Motor Accident Claims Tribunal No.XII at Vijayapur (hereinafter referred to as 'Tribunal'), awarding compensation.

3. The insurance company has preferred MFA No.201172/2019, challenging liability and quantum of compensation awarded by the Tribunal and on the other hand, the claimants have preferred MFA No.203254/2023 seeking enhancement of compensation.

4. It is argued by Sri Subhash Mallapur, the learned counsel appearing for the Insurance Company that, the Tribunal has failed to consider the fact that, the driver of the vehicle in question did not possess valid



driving licence and the same is reflected as per Exs.P9 and P16 to 20 and as the charge sheet has been laid under Sections 3 and 181 of the Motor Vehicles Act, the Tribunal ought to have fastened the liability on the owner of the vehicle in question. Accordingly, he sought for interference of this Court. It is also argued that, the award of compensation by the Tribunal is on the higher side, which required to be reduced in this appeal.

5. *Per contra*, Sri Sangnabasava B. Patil, the learned counsel appearing for the appellants/claimants sought for enhancement of compensation and also countered the submission made by the learned counsel appearing for the Insurance Company.

6. Having taken note of the submission made by the learned counsel appearing for the parties and on careful consideration of the charge sheet laid against the driver of the vehicle in question makes it clear that, the driver of the vehicle in question did not possess valid driving licence and in view of the declaration of law made



by the Hon'ble Supreme Court in the case of ***Pappu and Others vs. Vinod Kumar Lamba and Another*** reported in ***(2018) 3 SCC 208***, the Insurance Company be directed to pay the compensation and thereafter, recover the same from the owner of the vehicle in question.

7. Insofar as award of compensation is concerned, it is not in dispute that, deceased - Baba Yadav was working in Postal Department and drawing salary of Rs.6,823/- as per Ex.P13. In that view of the matter, as the deceased being salaried person and 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***, 15% of the income has to be added towards future prospects. As there are five dependents, 1/4th has to be deducted towards personal expenses of the deceased and by applying the appropriate multiplier of 11, the claimants are entitled for Rs.7,76,853/- (Rs.6,823x15%x12s11x1/4) towards loss of dependency.



8. The claimants are entitled for Rs.15,000/- each towards loss of estate and funeral expenses. The claimants are also entitled for Rs.2,00,000/- towards loss of consortium. Hence, the claimants are entitled for enhanced compensation as under:

Heads	Amount
Loss of dependency	Rs.7,76,853/-
Loss of love and affection	Rs.2,00,000/-
Towards funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.10,06,853/-
Less: awarded by Tribunal	Rs.6,77,000/-
Enhancement	Rs.3,29,853/-

Thus, the claimants are entitled for enhanced compensation of **Rs.3,29,853/-** with interest at the rate of 6% per annum.

9.In the result, I pass the following:

ORDER

I. The appeals are allowed in part.

II. The appellants/claimants are entitled for enhanced compensation of **Rs.3,29,853/-** with



interest at the rate of 6% per annum from the date of petition till the date of realization.

III. Appellant – Insurance Company is directed to deposit the compensation amount within six weeks from the date of receipt of certified copy of this judgment and thereafter, recover the same from the owner of the vehicle in question.

IV. As per the order dated 24.11.2023, the claimants are not entitled for interest for the delayed period of 921 days in filing the appeal.

Sd/-
(E.S.INDIRESH)
JUDGE

SRT
List No.: 1 Sl No.: 19
CT-PK