



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

MISC. FIRST APPEAL NO.200201 OF 2023 (MV-D)

C/W

MISC. FIRST APPEAL NO.200408 OF 2022

IN MFA No.200201/2023:

BETWEEN:

1. MALLAMMA W/O SOMAPPA MULIMANI,
AGE: 42 YEARS, OCC: HOUSEHOLD WORK,
R/O BENSIGADDI TQ. NARAYANAPUR,
NOW R/ AT NEAR LAXMI TEMPLE, IBRHAIMPUR
MANAGULI ROAD,
VIJAYAPURA-586101.
2. LAXMI D/O SOMAPPA MULIMANI,
AGE: 26 YEARS, OCC: STUDENT,
R/O: BENSIGADDI TQ. NARAYANAPUR,
NOW R/AT NEAR LAXMI TEMPLE, IBRHAIMPUR
MANAGULI ROAD,
VIJAYAPURA-586101.
3. NANDAPPA @ NANDESH S/O SOMAPPA MULIMANI,
AGE: 22 YEARS, OCC: STUDENT,
R/O BENSIGADDI TQ. NARAYANAPUR,
NOW R/AT NEAR LAXMI TEMPLE, IBRHAIMPUR
MANAGULI ROAD,
VIJAYAPURA-586101.





4. HANAMANTA S/O SOMAPPA MULIMANI,
AGE: 14 YEARS, OCC: STUDENT,
5. DEEPA D/O SOMAPPA MULIMANI,
AGE: 12 YEARS, OCC: STUDENT,
APPELLANTS NO.4 AND 5 ARE MINORS
R/BY THEIR NATURAL MOTHER M/G APPELLANT-1
SMT. MALLAMMA
R/O BENSIGADDI TQ. NARAYANAPUR,
NOW RESIDING AT NEAR LAXMI TEMPLE,
IBRAHIMPUR MANAGULI ROAD,
VIJAYAPURA-586101

...APPELLANTS

(BY SRI. BASAVARAJ R. MATH ADVOCATE)

AND:

1. VEERBHADRAYYA
S/O MALLIKARJUNAYYA HIEMATH,
AGE: 44 YEARS, OCC: BUSINESS,
R/O GUNTAGOLE PO: GONAVATLA,
TQ. LINGASGUR DIST: RAICHUR-584112
2. THE MANAGER LEGAL,
TATA AIG GENERAL INSURANCE CO. LTD.,
PENINSULA CORPORATE PART,
NICHOLAS PIRAMAL, TOWER,
GANAPATRAO KADAM MARG,
LOWER PREL MUMBAI-400013 (MAHARASTRA).

...RESPONDENTS

(BY SRI. SUDARSHAN M., ADVOCATE FOR R2;
V/O DATED 25.01.2023, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA FILED UNDER SECTION 173 (1) OF M.V. ACT,
PRAYING TO CALL FOR RECORDS AND ENHANCE AWARD
AMOUNT AND BY MODIFY THE IMPUGNED JUDGMENT AND
AWARD DATED 13.07.2021 PASSED BY THE SENIOR CIVIL
JUDGE AND MACT-V, AT VIJAYAPURA IN MVC.NO.585/2018.



IN MFA NO.200408/2022:

BETWEEN:

1. THE MANAGER LEGAL
TATA AIG GENERAL INSURANCE COMPANY LTD.,
PENINSULA CORPORATE
PARK, NICHOLAS PIRAMAL
TOWER, GANAPATRAO KADAM
MARG, LOWER PAREL,
MUMBAI-400013.

PRESENTLY REPRESENTED BY
THROUGH ITS
THE MANAGER-LEGAL,
TATA AIG, GENERAL INSURANCE
COMPANY,
3RD FLOOR, JP AND DEVI
JAMBUKESHWAR ARCADE,
NO.69, MILLERS ROAD,
BANGALORE-560052.

...APPELLANT

(BY SRI. SUDARSHAN M., ADVOCATE)

AND:

1. SMT. MALLAMMA W/O SOMAPPA MULIMANI,
AGE : 41 YEARS, OCC: HOUSEHOLD WORK,
R/O: BENSINGADDI, TQ.NARAYANPURA,
NOW RESIDING AT NEAR
LAXMI TEMPLE,
IBRAHIMPUR, MANAGULI ROAD, VIJAYAPUR-586101.
2. LAXMI D/O SOMAPPA MULIMANI
AGE : 25 YEARS, OCC: STUDENT,
R/O: BENSIGADDI,
TQ: NARAYANPURA,
NOW RESIDING AT NEAR
LAXMI TEMPLE, IBRAHIMPUR,
MANAGULI ROAD,
VIJAYAPUR-586 101.



3. NANDAPPA @ NANDESH S/O SOMAPPA MULIMANI
AGE: 21 YEARS, OCC: STUDENT,
R/O: BENSIGADDI, TQ: NARAYANPURA,
NOW RESIDING AT NEAR
LAXMI TEMPLE,
IBRAHIMPUR,
MANAGULI ROAD, VIJAYAPUR-586 101.
4. HANAMANTA S/O SOMAPPA MULIMANI,
AGE: 13 YEARS, OCC: STUDENT.
5. DEEPA D/O SOMAPPA MULIMANI,
AGE: 11 YEARS, OCC: STUDENT,
P-4 AND P5 ARE MINORS,
U/G P-1 MALLAMMA
R/O: BENSIGADDI,
TQ: .NARAYANAPURA,
NOW RESIDING AT NEAR
LAXMI TEMPLE, IBRAHIMPUR
MANAGULI ROAD,
VIJAYAPUR-586 101.
6. VEERBHADRAYYA S/O MALLIKARJUNAYYA HIREMATH,
AGE: 43 YEARS, OCC: BUSINESS,
R/O: GUTAGOLE, PO: GONAVATLA,
TQ.LINGSAGUR, DIST.RAICHUR-584 122.

...RESPONDENTS

(BY SRI. BASAVARAJ R. MATH, ADVOCATE FOR R1 TO R3;
R4 AND R5 ARE MINRS R/BY R2;
R6 SERVED)

THIS MFA FILED UNDER SECTION 173 (1) OF M.V.
ACT, PRAYING TO, A) CALL FOR RECORDS IN
MVC.NO.585/2018 ON THE FILE OF THE PRL. SENIOR CIVIL
JUDGE AND MACT-V, AT VIJAYAPURA, B) SET ASIDE THE
JUDGMENT AND AWARD DATED 13.07.2021 PASSED IN
MVC.NO.585/2018 ON THE FILE OF THE PRL. SENIOR CIVIL
JUDGE AND MACT-V, AT VIJAYAPURA. C) PASS SUCH
OTHER ORDERS / RELIEFS AS THIS HONOURABLE COURT
DEEMS FIT AND PROPER IN THE FACTS AND
CIRCUMSTANCES OF THE CASE.

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 on 13.07.2021 in MVC.No.585/2018 on the file of the Principal Senior Judge and MACT-V, at Vijayapura, awarding compensation.

02. The MFA.No.200201/2023 is filed by the claimants seeking enhancement of compensation and on the other hand, the insurance company has preferred MFA.No.200408/2022, challenging the quantum of compensation awarded to the claimants.

03. It is argued by Sri. Sudarshan M. the learned counsel appearing for the appellant - insurance company that the age of the deceased was 50 years as per the Adhar Card, however, the Tribunal has taken the age of the deceased at 40 and therefore, sought for interference of this Court.



04. *Per Contra*, Sri. Basavaraj R. Math, the learned counsel appearing for the claimants, seeks enhancement of compensation.

05. In the light of the submission made by the learned counsel appearing for the parties, it is not in dispute that the husband of the claimant No.1 namely Somappa Mulimani died in road traffic accident on 12.01.2017, leaving behind 05 dependants.

06. Though, the learned counsel appearing for the insurance company submitted that the age of the deceased has to be taken by considering the Adhar Card, however, perusal of P.M. report at Ex.P.4 makes it clear that the age of the deceased was 40 years and as the same is the age mentioned by the doctor who is an expert has to determine the age of the deceased. Therefore, I am of the view that the arguments advanced by the learned counsel appearing for the insurance company cannot be accepted.



07. Insofar as award of compensation is concerned the accident is of the year 2017, as the deceased died at the age of 40 years leaving behind 05 dependants, 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% has to be added towards the monthly income of the deceased at Rs.10,250/- as per the guidelines of the Karnataka Legal Services Authority and by deducting 1/4th towards his personal income and by applying the appropriate multiplier of 15 as per the judgment of the Hon'ble Supreme Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation***, reported in ***(2009) 6 SCC 121***, the claimant is entitled for compensation of Rs.17,29,687/- towards loss of dependents (Rs.10,250/- + 25% x 12 x 15 x 3/4th).

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



Heads	Amount
Loss of dependency	Rs.17,29,687/-
Loss of consortium	Rs.2,00,000/-
Towards funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.19,59,687/-
Less: awarded by Tribunal	Rs.11,50,000/-
Enhancement	Rs.8,09,687/-

09. Thus, the claimants are entitled for enhanced compensation of **Rs.8,09,687/-** with interest at the rate of 6% per annum.

10. In the result, I pass the following:

ORDER

I. The MFA.No.200408/2022 filed by the insurance company is dismissed.

II. The MFA.No.200201/2023 filed by the claimants is allowed in part.



NC: 2026:KHC-K:1775
MFA No. 200201 of 2023
C/W MFA No. 200408 of 2022

III. The appellants/claimants are entitled for enhanced compensation of **Rs.8,09,687/-** with interest at the rate of 6% per annum from the date of petition till the date of realization.

IV. The appellant – insurance company is directed to deposit the aforesaid compensation amount within six weeks from the date of receipt of certified copy of this judgment.

V. The amount in deposit will be remitted to the Tribunal forthwith.

As per the order dated 25.01.2023, claimants are not entitled for compensation for a delayed of 168 days in filing the appeal.

In MFA.No.200201/2023, Sri. Sudarshan M., the learned counsel is permitted to file memo of appearance for respondent No.2 within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE

KJJ
List No.: 1 Sl No.: 28
CT:PK