



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO.202700 OF 2024 (MV-D)

BETWEEN:

SHEETAL W/O MAHADEV GEETE,
AGE: 35 YEARS, OCC: HOUSEHOLD,
R/O PATIL CHAL, TULJAPUR ROAD, BARSHI.

...APPELLANT

(BY SMT. SRIDEVI J. TUPPAD, ADVOCATE)

AND:

1. BHARATI W/O UMAKANT KALE,
AGE: 37 YEARS, OCC: OWNER OF VEHICLE,
R/O PLOT NO.2, HARLAYYA NAGAR,
INDIRA NAGAR, VIJAPUR ROAD,
SOLAPUR-413 004.
2. CHOLA MS GENERAL INS. COMP. LTD.,
THROUGH ITS MANAGER,
BLOCK NO.VIII, NEAR SV PATEL CHOWK,
ASIAN PLAZA COMPLEX, KALABURAGI.

...RESPONDENTS

(BY SRI. MANJUNATH MALLAYYA SHETTY, ADV. FOR R2;
V/O DTD. 15.01.2025, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT

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Location:
HIGH
COURT OF
KARNATAKA



AND AWARD DATED 28.06.2024 AND ENHANCE THE COMPENSATION Rs.15,00,000/- AS PRAYED BY THE APPELLANT HEREIN M.V.C. NO.942/2021 BY THE PRL. SENIOR CIVIL JUDGE AND MACT AT KALABURGI, BY ALLOWING THE APPEAL AND ENHANCE THE RATE OF INTEREST AWARDED FROM 6% TO 9%.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE P SREE SUDHA)

Though the appeal is listed for admission, with the consent of learned counsel for both the parties, it is taken up for final disposal.

2. Heard the arguments of both sides.

3. This appeal is filed against the judgment and award dated 28.06.2024 passed by the Principal Senior Civil Judge and MACT, Kalaburagi, in MVC No.942 of 2021.

4. The facts of the case are that, on 01.12.2020, while the deceased Mahadev was proceeding on motorcycle on Venegaon-Pandarphur road, the rider of the



Hero HF Deluxe motorcycle bearing No.MH-13/DF-5011 rode it in high speed and rash and negligent manner and dashed to the deceased, due to which, he sustained grievous injuries and succumbed to the same in the hospital.

5. Therefore, his wife filed a claim petition before the Tribunal, claiming compensation of Rs.36,50,000/-. The Tribunal, considering the entire evidence on record, granted compensation of Rs.17,87,500/- with interest at 6% p.a. from the date of petition till realisation and directed respondent No.2-Insurance Company to deposit the same.

6. Aggrieved by the said judgment and award, the claimant has preferred this appeal, in which it is contended that, the deceased was aged 37 years and earning Rs.18,000/- per month, but the Tribunal has taken his income only at Rs.13,750/- per month. It is further stated that, 50% of the income is deducted towards personal expenses of the deceased and it is to be modified as 1/3rd.



7. Learned counsel for respondent No.2 contended that, the Tribunal has granted compensation on proper appreciation of the facts and it has deducted 50% towards personal expenses of the deceased, as there is only one claimant.

8. The deceased was aged 37 years and the multiplier was rightly taken as '15'. As the appellant has failed to produce the income proof, the income of the deceased was taken at Rs.13,750/- per month as per the guidelines of the Karnataka State Legal Services Authority and it needs no interference.

9. The Hon'ble Apex Court in the dictum of ***National Insurance Company Limited Vs. Pranay Sethi¹***, held that the future prospects of income of the self-employed deceased shall also be included in determination of the compensation. Thus, considering the age of the deceased, 40% of the income has to be added towards future

¹ (2017) 16 SCC 680



prospects and thus, the amount would become Rs.19,250/- per month (13,750+5,500).

10. The Tribunal has deduced 50% of the income towards personal expenses of the deceased. Admittedly, the deceased was married and his wife has filed the claim petition. Merely because she alone filed the claim petition, the deduction of 50% is not proper and as per the guidelines of the Hon'ble Apex Court in dictum of **Sarla Verma Vs. Delhi Transport Corporation²**, 1/3rd of the income of the deceased is to be deducted towards his personal expenses.

11. Therefore, the loss of dependency comes to Rs.23,10,000/- (19,250 x 12 x 15 x 2/3).

12. Further, as per the guidelines of the Hon'ble Apex Court in the dictum of **Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram &**

² (2009) 6 SCC 121



***others*³**, and ***United India Insurance Company Limited vs. Satinder Kaur @ Satwinder Kaur and others*⁴**, the appellant is entitled for Rs.40,000/- towards loss of spousal consortium.

13. She is also entitled for an amount of Rs.30,000/- under the conventional heads i.e., loss of estate and funeral expenses as per the citation in the case of ***National Insurance Company Limited Vs. Pranay Sethi***.

14. Hence, the compensation is reassessed as under:

Loss of dependency	Rs.23,10,000/-
Loss of consortium	Rs.40,000/-
Conventional heads	Rs.30,000/-
Total	Rs.23,80,000/-
Less awarded by the Tribunal:	Rs.17,87,500/-
Enhanced compensation	Rs.5,92,500/-

Thus, the appellant is entitled for enhanced compensation of Rs.5,92,500/- with interest at 6% p.a.

³ (2018) 18 SCC 130

⁴ (2020) 9 SCC 644



from the date of petition till realization and therefore, the appeal deserves to be allowed in part.

15. In the result, the following order is passed:

(i) The appeal is allowed in part.

(ii) The appellant is entitled for enhanced compensation of Rs.5,92,500/- along with interest at 6% p.a. from the date of petition till realization.

(iii) Respondent No.2-Insurance Company is directed to deposit the aforesaid compensation amount within one month from the date of this judgment.

(iv) On such deposit, the appellant is permitted to withdraw the entire amount along with interest accrued on it.

sd/-
(P SREE SUDHA)
JUDGE