



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. 200935 OF 2023 (ECA)

BETWEEN:

1. NINGAMMA
W/O. LATE HANUMANTHA
AGE 42 YEARS, OCC. HOUSEWIFE,
 2. JAYASRI
D/O. LATE HANUMANTHA
AGE 25 YEARS, OCC. STUDENT,
 3. AMBRISH
S/O. LATE HANUMANTHA
AGE 23 YEARS, OCC. STUDENT,
 4. VENKATESH
S/O. LATE HANUMANTHA
AGE 21 YEARS, OCC. STUDENT
- ALL ARE R/O. PAMANAKALLUR, TQ. MANVI,
DIST. RAICHUR, NOW R/O. LINGASUGUR,
TQ. LINGASUGUR, DIST. RAICHUR-586101.

...APPELLANTS

(BY SRI. BASAVARAJ R MATH, ADVOCATE)

AND:

1. M/S. WELCOME ENTERPRISES
OWNER OF LORRY BEG.NO.KA-53/D-7972
SITUATED AT NO.140, LAVANYA COMPLEX,
BEHIND FATHIMA SCHOOL,

Digitally signed
by SUMITRA
SHERGAR
Location: HIGH
COURT OF
KARNATAKA



BANGALORE RURAL, HOSKOTE-562114.
BANGALORE RURAL DIST.

2. THE MANAGER
SBI GENERAL INSURANCE COMPANY LTD.,
THIRD FLOOR, VIDYACHAND TOWER,
1-44/TF/SVP CHOWK, KALABURAGI-585102.
BRANCH OFFICE, NO.215 LIGH PHASE-1.

...RESPONDENTS

(BY SRI. SUBHASH MALLAPUR, ADV. FOR R2;
V/O. DATED 16.06.2023, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 30(1) OF ECA ACT, PRAYING TO
CALL FOR RECORDS ENHANCED THE AWARD AMOUNT BY
MODIFYING IMPUGNED JUDGMENT AND AWARD DATED
22.09.2022 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC
AT LINGASUGUR, IN ECA NO. 03/2020, IN THE INTEREST OF
JUSTICE AND EQUITY.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

1. Heard the arguments from both sides.
2. This appeal is preferred by the claimants against
the Judgment and award dated 22.09.2022 passed in ECA
No.03/2020 by the Senior Civil Judge and JMFC Court,
Lingasugur.



3. Sri. Hanumanth S/o. Parasappa met with an accident on 17.07.2020. His wife and children filed a claim petition claiming compensation of Rs.21,00,000/- along with interest.

4. The tribunal considering the entire evidence on record, has awarded a sum of Rs.5,28,320/- along with interest at the rate of 12% per annum from the date of petition till realization. Aggrieved by the said order, this appeal is preferred, in which it is contended that, the income of the deceased was taken as Rs.8,000/- per month. The age of the deceased was 57 years as on the date of accident. He was working as a driver and earning Rs.20,000/- per month and also Rs.150/- per day and the interest was not granted from the date of accident and the interest at the rate of 6% is on lower side. Therefore, he requested for enhancement.

5. The following substantial questions of law are framed for consideration of this appeal:

(i) Whether the learned Commissioner/trial Court has justified in assessing the income of Rs.8,000/- per month?



(ii) Whether the learned Commissioner/trial Court has justified in awarding 12% interest from the date of petition?

6. The petitioner was aged 57 years and was working as a driver as on the date of the accident. Though he has stated that, he was earning a sum of Rs.20,000/- he has not produced any income proof. Therefore, he is entitled to Rs.15,000/- as per the Gazette Notification dated 03.01.2020. 50% of the income of Rs.15,000/- comes to Rs.7,500/- and the compensation would be as under:

Rs.7,500/- X 128.33 = Rs.9,62,475 (loss of dependency) + Rs.15,000/- (funeral expenses), the total compensation comes to Rs.9,77,475/-. The substantial questions of law are decided accordingly.

7. The compensation awarded by the tribunal is enhanced to Rs.9,77,475/- from Rs.5,28,320/- along with interest at the rate of 12% per annum from the date of accident till realization.



8. Learned counsel for respondent No.2 – Insurance company submits that, the compensation amount awarded by the tribunal is already deposited.

9. In the result, the following:

ORDER

(i) The appeal is allowed in part;

(ii) The compensation awarded by the tribunal is enhanced to Rs.9,77,475/- from Rs.5,28,320/- along with interest at the rate of 12% per annum from the date of accident till realization;

(ii) The respondent No.2 is directed to deposit enhanced compensation of Rs.4,49,155/- and directed to deposit interest at the rate of 12% from the date of accident till the date of realization on Rs.9,77,475/- within one month from the date of this order;

(iii) On such deposit, the claimants are permitted to withdraw the entire amount along with accrued interest.

Sd/-
(P SREE SUDHA)
JUDGE