



NC: 2025:KHC-K:6036-DB
MFA No. 200081 of 2024
C/W MFA No. 200079 of 2024
MFA No. 201558 of 2024
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

MISCL. FIRST APPEAL NO. 200081 OF 2024 (MV-D)

C/W

MISCL. FIRST APPEAL NO. 200079 OF 2024 (MV-D)

MISCL. FIRST APPEAL NO. 201558 OF 2024 (MV-D)

MISCL. FIRST APPEAL NO. 201561 OF 2024 (MV-D)

IN MFA NO.200081/2024:

BETWEEN:

1. BHEEMARAYA S/O BASAPPA BHEEMARATHA,
AGE: 32 YEARS, OCC:AGRICULTURE,
R/O ALLUR (B) VILLAGE,
TQ. CHITTAPUR, DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR, KALABURAGI.
2. SANNA TAMMA S/O BASAPPA BHEEMARATHA,
AGE: 24 YEARS, OCC: AGRICULTURE,
R/O. ALLUR (B) VILLAGE, TQ. CHITTAPUR,
DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR, KALABURAGI.
3. SHANTAMMA D/O BASAPPA BHEEMARATHA,
AGE: 19 YEARS, OCC: HOUSEHOLD,



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R/O. OF ALLUR (B) VILLAGE,
TQ. CHITTAPUR, DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR, KALABURAGI.

...APPELLANTS

(BY SRI. MARTHANDAPPA MALLESHAPPA ALLUR,ADVOCATE)

AND:

1. AYUB S/O KHALID MIYAN INGALAGI,
AGE: 45 YEARS, OCC: DRIVER OF ASHOK
LEYLAND LORRY NO. KA-19/B-9562,
R/O. TEENMALAGI AREA, CHITTAPUR,
TQ. CHITTAPUR, DIST. KALABURAGI-585 211.
2. KHAJA PASHA S/O SHEKH HUSENA MANGALAGI,
AGE: MAJOR, OCC: OWNER OF ASHOK LEYLAND
LORRY NO. KA-19/B-9562,
R/O. DANDOTHI, TQ. CHITTAPUR,
DIST. KALABURAGI-585 211.
3. THE MANAGER,
SHRIRAM GENERAL INSURANCE CO. LTD.
E-8, EP IP, RIICO, INDUSTRIAL AREA,
SITAPUR, JAIPUR, RAJASTHAN-302 022, INDIA,
THOUGH ITS BRANCH OFFICE, REPRESENTED BY
THE BRANCH MANAGER,
LEGAL SHRIRAM GIC LTD. NO. 3/5,
3RD FLOOR, S.V. ARCADE,
BILEKAHALLI MAIN ROAD,
OFF BANNERGHATTA ROAD,
IIM POST, BANGALORE-560 076.
4. KHASIM SAB S/O KHAN SAB GANI
AGE: MAJOR, OCC: OWNER OF
MOTORCYCLE NO KA-32/X-6321,
R/O. ALLUR (B), TQ. CHITTAPUR,
DIST. KALABURAGI-585 222.



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AND 1 OTHER**

...RESPONDENTS

(BY SRI. SUBHASH MALLAPUR ADV. FOR R3
R1 IS DISPENSED WITH
R2 SERVED)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S
173(1) OF INDIAN MOTOR VEHICLES ACT, 1988, PRAYING TO
ENHANCE THE COMPENSATION AMOUNT AS AWARDED BY THE
TRIBUNAL, I.E., FROM Rs.17,04,004/- TO Rs.29,50,000/- WITH
12% INTEREST P.A. BY MODIFYING THE JUDGMENT AND
AWARD DATED 11-10-2023 PASSED BY IV ADDITIONAL SENIOR
CIVIL JUDGE & MACT AT KALABURAGI IN MVC NO.526/2016.

IN MFA NO.200079/2024:

BETWEEN:

1. BHEEMARAYA S/O BASAPPA BHEEMARATHA,
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O ALLUR (B) VILLAGE,
TQ. CHITTAPUR, DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR, KALABURAGI.
2. SANNA TAMMA S/O BASAPPA BHEEMARATHA,
AGE: 24 YEARS, OCC: AGRICULTURE,
R/O. ALLUR (B) VILLAGE, TQ. CHITTAPUR,
DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR, KALABURAGI.
3. SHANTAMMA D/O BASAPPA BHEEMARATHA,
AGE: 19 YEARS, OCC: HOUSEHOLD,
R/O. OF ALLUR (B) VILLAGE,
TQ. CHITTAPUR, DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR, KALABURAGI.



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MFA No. 201558 of 2024
AND 1 OTHER

...APPELLANTS

(BY SRI. MARTHANDAPPA MALLESHPA ALLUR,ADVOCATE)

AND:

1. AYUB S/O KHALID MIYAN INGALAGI,
AGE: 45 YEARS, OCC: DRIVER OF ASHOK
LEYLAND LORRY NO. KA-19/B-9562,
R/O. TEENMALAGI AREA, CHITTAPUR,
TQ. CHITTAPUR, DIST. KALABURAGI-585 211.
2. KHAJA PASHA S/O SHEKH HUSENA MANGALAGI,
AGE: MAJOR, OCC: OWNER OF ASHOK LEYLAND
LORRY NO. KA-19/B-9562,
R/O. DANDOTHI, TQ. CHITTAPUR,
DIST. KALABURAGI-585 211.
3. THE MANAGER,
SHRIRAM GENERAL INSURANCE CO. LTD.,
E-8, EP IP, RIICO, INDUSTRIAL AREA,
SITAPUR, JAIPUR, RAJASTHAN-302 022, INDIA,
THOUGH ITS BRANCH OFFICE, REPRESENTED BY
THE BRANCH MANAGER,
LEGAL SHRIRAM GIC LTD.,
NO. 3/5, 3RD FLOOR, S.V. ARCADE,
BILEKAHALLI MAIN ROAD,
OFF BANNERGHATTA ROAD,
IIM POST, BANGALORE-560 076.
4. KHASIM SAB S/O KHAN SAB GANI
AGE: MAJOR, OCC: OWNER OF
MOTORCYCLE NO KA-32/X-6321,
R/O. ALLUR (B), TQ. CHITTAPUR,
DIST. KALABURAGI-585 222.

...RESPONDENTS

(BY SRI. SUBHASH MALLAPUR ADV. FOR R3
R1 IS DISPENSED WITH
R2 SERVED)



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MFA No. 200081 of 2024
C/W MFA No. 200079 of 2024
MFA No. 201558 of 2024
AND 1 OTHER

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S 173(1) OF INDIAN MOTOR VEHICLES ACT, 1988, PRAYING TO ENHANCE THE COMPENSATION AMOUNT AS AWARDED BY THE TRIBUNAL, I.E., FROM Rs.11,31,204/- TO Rs.24,50,000/- WITH 12% INTEREST P.A. BY MODIFYING THE JUDGMENT AND AWARD DATED 11-10-2023 PASSED BY IV ADDITIONAL SENIOR CIVIL JUDGE & MACT AT KALABURAGI IN MVC NO.525/2016.

IN MFA NO.201558/2024:

BETWEEN:

THE MANAGER,
SHRIRAM GENERAL INSURANCE CO. LTD.,
E-8, EP IP, RIVCO, INDUSTRIAL AREA,
SITAPUR, JAIPUR, RAJASTHAN-302 022, INDIA,
THOUGH ITS BRANCH OFFICE, REPRESENTED BY
THE BRANCH MANAGER,
LEGAL SHRIRAM GIC LTD.,
NO. 3/5, 3RD FLOOR, S.V. ARCADE,
BILEKAHALLI MAIN ROAD,
OFF BANNERGHATTA ROAD,
IVM POST, BANGALORE-560 076.

...APPELLANTS

(BY SRI. SUBHASH MALLAPUR, ADVOCATE)

AND:

1. BHEEMARAYA S/O BASAPPA BHEEMARATHA,
AGE: 34 YEARS, OCC: AGRICULTURE,
2. SANNA TAMMA S/O BASAPPA BHEEMARATHA,
AGE: 25 YEARS, OCC: NIL,



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C/W MFA No. 200079 of 2024
MFA No. 201558 of 2024
AND 1 OTHER

3. SHANTAMMA D/O BASAPPA BHEEMARATHA,
AGE: 20 YEARS, OCC: NIL,
R/O. ALLUR (B) VILLAGE,
TQ. CHITTAPUR, DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR,
KALABURAGI – 585 102.
4. AYUB S/O KHALID MIYAN INGALAGI,
AGE: 45 YEARS, OCC: DRIVER OF ASHOK
LEYLAND LORRY NO. KA-19/B-9562,
R/O. TEENMALAGI AREA, CHITTAPUR,
TQ. CHITTAPUR, DIST. KALABURAGI-585 102.
5. KHAJA PASHA S/O SHEKH HUSENA MANGALAGI,
AGE: MAJOR, OCC: OWNER OF ASHOK LEYLAND
LORRY NO. KA-19/B-9562,
R/O. DANDOTHI, TQ. CHITTAPUR,
DIST. KALABURAGI-585 102.
6. KHASIM SAB S/O KHANSAB GANI,
AGE: MAJOR, OCC: OWNER OF
MOTORCYCLE NO KA-32/X-6321,
R/O. ALLUR (B), TQ. CHITTAPUR,
DIST. KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. M.M. ALLUR, ADV. FOR R1 TO R3)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S
173(1) OF INDIAN MOTOR VEHICLES ACT, PRAYING TO ALLOW
THE APPEAL BY SETTING ASIDE THE JUDGMENT AND AWARD
DATED 11.10.2023, IN MVC NO.526/2016 PASSED BY THE IV
ADDITIONAL SENIOR CIVIL JUDGE AND MACT KALABURAGI.



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C/W MFA No. 200079 of 2024
MFA No. 201558 of 2024
AND 1 OTHER

IN MFA NO.201561/2024:

BETWEEN:

THE MANAGER,
SHRIRAM GENERAL INSURANCE CO. LTD.,
E-8, EP IP, RIVCO, INDUSTRIAL AREA,
SITAPUR, JAIPUR, RAJASTHAN-302 022, INDIA,
THOUGH ITS BRANCH OFFICE, REPRESENTED BY
THE BRANCH MANAGER,
LEGAL SHRIRAM GIC LTD.,
NO. 3/5, 3RD FLOOR, S.V. ARCADE,
BILEKAHALLI MAIN ROAD,
OFF BANNERGHATTA ROAD,
IVM POST, BANGALORE-560 076.

...APPELLANTS

(BY SRI. SUBHASH MALLAPUR, ADVOCATE)

AND:

1. BHEEMARAYA S/O BASAPPA BHEEMARATHA,
AGE: 34 YEARS, OCC: AGRICULTURE,
2. SANNA TAMMA S/O BASAPPA BHEEMARATHA,
AGE: 25 YEARS, OCC: NIL,
3. SHANTAMMA D/O BASAPPA BHEEMARATHA,
AGE: 20 YEARS, OCC: NIL,
R/O. ALLUR (B) VILLAGE,
TQ. CHITTAPUR, DIST. KALABURAGI,
NOW RESIDING AT H NO. 11-366/12,
GANGA NAGAR, BRAHMAPUR,
KALABURAGI - 585 102.
4. AYUB S/O KHALID MIYAN INGALAGI,
AGE: 38 YEARS, OCC: DRIVER OF ASHOK
LEYLAND LORRY NO. KA-19/B-9562,
R/O. TEENMALAGI AREA, CHITTAPUR,



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TQ. CHITTAPUR, DIST. KALABURAGI-585 102.

5. KHAJA PASHA S/O SHEKH HUSENA MANGALAGI,
AGE: MAJOR, OCC: OWNER OF ASHOK LEYLAND
LORRY NO. KA-19/B-9562,
R/O. DANDOTHI, TQ. CHITTAPUR,
DIST. KALABURAGI-585 102.
6. KHASIM SAB S/O KHANSAB GANI,
AGE: MAJOR, OCC: OWNER OF
MOTORCYCLE NO KA-32/X-6321,
R/O. ALLUR (B), TQ. CHITTAPUR,
DIST. KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. M.M. ALLUR, ADV. FOR R1 TO R3)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S
173(1) OF INDIAN MOTOR VEHICLES ACT, PRAYING TO ALLOW
THE APPEAL BY SETTING ASIDE THE JUDGMENT AND AWARD
DATED 11.10.2023, IN MVC NO.525/2016 PASSED BY THE IV
ADDITIONAL SENIOR CIVIL JUDGE AND MACT KALABURAGI.

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

CORAM: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD)

MFA No.200081/2024 and MFA No.200079/2024 are filed by the claimants, MFA No.201558/2024 and MFA No.201561/2024 are filed by the Insurance Company under Section 173(1) of the Motor Vehicles Act, (for short, 'the Act') being aggrieved by the judgment and award dated 11.10.2023 passed by the IV Additional Senior Civil Judge and MACT, Kalaburagi in MVC No.525/2016 clubbed with MVC No.526/2016. Since the challenge is to the same judgment, all the appeals are clubbed together, heard and common judgment is being passed.

2. Facts giving rise to the filing of the appeals briefly stated are that, on 07.08.2015 at about 2.30 p.m. the deceased Basappa was proceeding on a motorcycle bearing registration No.KA-32/X-6321 along with his son Ameenreddy from ALur (B) village to Yadgiri. Basappa as a pillion rider and his son Ameenreddy was a rider of the motorcycle. When both are going towards Yadgiri main



road, when they were near Samanapura cross, at that time, the driver of Ashoka Leyland Lorry bearing registration No.KA-19/B-9562 which was being driven in a rash and negligent manner, came from the opposite side and dashed to the motorcycle. As a result of the aforesaid accident, both are sustained grievous injuries and succumbed to the injuries and Basappa died at the spot and Ameenreddy on the way to hospital.

3. The claimants filed a petition under Section 166 of the Act seeking compensation along with interest for the death of aforesaid deceased.

4. On service of summons, the respondent Nos.2 and 3 are appeared through their counsel and filed objections denying the averments made in the claim petition. The respondent No.1 did not appear before the Tribunal inspite of service of notice and hence was placed ex-parte.



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5. On the basis of the pleadings of the parties, the Claims Tribunal framed the issues and thereafter recorded the evidence. The claimants, in order to prove their case, examined claimant No.1 himself examined as PW-1 and got exhibited documents namely, Ex.P1 to Ex.P.18. On behalf of respondent No.2, one witness was examined as RW-1 and got exhibited documents namely Ex.R.1 and Ex.R.2. The Claims Tribunal, by the impugned judgment, inter alia, held that the accident took place on account of rash and negligent driving of the offending vehicle by its driver, as a result of which, the deceased sustained injuries and succumbed to the injuries. The Tribunal further held that the claimants are entitled to a compensation of Rs.17,04,004/- for the death of Ameenreddy and compensation of Rs.11,31,204/- for the death of Basappa along with interest at the rate of 9% p.a. and directed the insurance company to deposit the compensation amount along with interest. Being aggrieved, these appeals have been filed.



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6. The learned counsel for the Insurance Company has raised the following contentions:

a) Firstly, he contented that two claim petitions have been filed for death of father and brother of the claimants. The claimants in MVC No.525/2016 are the children of the deceased Basappa. Since claimants are claimed that they are depending on the income of their father and also they were claimed that they are not depending on the income of their brother Ameenreddy. The Tribunal has granted compensation in respect of the claimants in both the cases are contrary to law.

b) Secondly, he contented that in case of death of brother-Ameenreddy is concerned, the claimants can claimed that loss of dependency is 1/3rd of the income of the deceased and the Tribunal has considered 50% is unsustainable.

c) Lastly, in view of the Division Bench decision of this Court in the case of **MS.JOYEETA BOSE AND OTHERS**



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-V- VENKATESHAN.V AND OTHERS (MFA 5896/2018 AND CONNECTED MATTERS DISPOSED OF ON 24.8.2020), the rate of interest to be awarded on the compensation ought to have been 6% p.a., whereas in the case on hand the Tribunal has awarded interest at the rate of 9% p.a., which is on the higher side. Hence, he sought for allowing the appeal filed by the insurance company by reducing the compensation.

7. The learned counsel appearing for the claimants has raised the following contentions:

a) Firstly, he contended that in the case of death of Basappa, the annual income assessed by the Tribunal is on lower side. Therefore, he further contended that as per the judgment of the Hon'ble Supreme Court in the case of **MAGMA GENERAL INSURANCE CO. LTD. -V- NANU RAM [2018 ACJ 2782]**, each of the claimants are entitled for compensation of Rs.40,000/- under the head of 'loss of love and affection and consortium'.



b) Secondly, he has contented that in case of death of Ameenreddy is concerned, claimant Nos.2 and 3 are the younger brother and younger sister and they are entirely depending upon the income of their deceased father and their brother. Therefore, the Tribunal has assessed that the claimants are entitled only 50% of the income of the deceased is on contrary to provisions of Motor Vehicles Act.

c) Thirdly, he contented that the monthly income assessed by the Tribunal in respect of Ameenreddy is also on lower side.

d) Lastly, he contented that even in case of death of Ameenreddy is concerned, the claimants are entitled for compensation of Rs.40,000/- each under the head of loss of love and affection and consortium. Hence, he sought for allowing the appeal filed by the claimants by enhancing the compensation.



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8. Heard the learned counsel for the parties and perused the records.

9. It is not in dispute that Basappa and Ameenreddy died in a road traffic accident on 07.08.2015 due to rash and negligent driving of driver of offending Lorry bearing No.KA-19/B-9562.

10. In respect of claim petition filed by legal heirs of Basappa in MVC No.525/2016:

The compensation awarded by the Tribunal under the head loss of dependency is just and proper and same is not disturbed. In respect of other heads is concerned, i.e., compensation awarded by the Tribunal towards loss of estate it has to be reduced to Rs.15,000/- from Rs.30,602/- and likewise compensation towards funeral expenses has to be reduced to Rs.15,000/- from Rs.30,602/- in view of the judgment of the Apex Court.

11. In view of the law laid down by the Supreme Court in the case of '**Magma General Insurance**' (supra),



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claimant Nos.1 to 3 being the children of deceased Basappa are entitled for Rs.40,000/- each under the head of 'loss of parental consortium'.

12. Thus, the claimants are entitled to the following compensation:

Compensation under different Heads	Amount in (Rs.)
Loss of dependency	10,40,000/-
Funeral expenses	15,000/-
Loss of estate	15,000/-
Loss of Parental consortium	1,20,000/-
Total	11,90,000/-

13. In respect of claim petition filed by legal heirs of Ameenreddy in MVC No.526/2016:

The compensation awarded by the Tribunal under the head loss of dependency is *modified and determined as Rs.12,09,600/- (Rs.8,000+40%x12x18x50%). In respect of other heads is concerned, i.e., compensation awarded by the Tribunal towards loss of estate it has to be reduced to Rs.15,000/- from Rs.30,602/- and likewise compensation towards funeral

* Corrected vide Court order dated 04/12/2025



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expenses has to be reduced to Rs.15,000/- from Rs.30,602/- in view of the judgment of the Apex Court.

14. In view of the law laid down by the Supreme Court in the case of '**Magma General Insurance**' (supra), claimant Nos.1 to 3 being the brother of claimants are entitled for Rs.40,000/- each under the head of 'loss of filial consortium'.

15. Thus, the claimants are entitled to the following compensation:

Compensation under different Heads	Amount in (Rs.)
Loss of dependency	*12,09,600/-
Funeral expenses	15,000/-
Loss of estate	15,000/-
Loss of Parental consortium	1,20,000/-
Total	*13,59,600/-

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

ORDER

a) The appeals are **disposed of**.

* Corrected vide Court order dated 04/12/2025



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b) The judgment and award of the Claims Tribunal is modified.

c) The claimants in MFA No.200079/2024 (MVC No.525/2016) are entitled to a total compensation of Rs.11,90,000/- as against Rs.11,31,204/- awarded by the Tribunal.

d) The claimants in MFA No.200081/2024 (MVC No.526/2016) are entitled to a total compensation of *Rs.13,59,600/- as against Rs.17,04,004/- awarded by the Tribunal.

e) In view of judgment in **MS.JOYEETA BOSE** (*supra*), the rate of interest awarded by the Tribunal on the compensation at 9% per annum is reduced to 6% per annum.

f) The respondent No.3 - Insurance Company is directed to deposit the entire

* Corrected vide Court order dated 04/12/2025



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compensation amount in the appeals filed by the claimants along with interest at 6% p.a. from the date of filing of the claim petition till the date of realization, within a period of six weeks from the date of receipt of copy of this judgment.

g) The disbursement, deposit and release shall be as per the order of the Tribunal.

h) The amount in deposit made in the appeals filed by the insurance company shall be transmitted to the Tribunal for disbursement.

**Sd/-
(H.T.NARENDRA PRASAD)
JUDGE**

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**

AMM,BL
List No.: 1 Sl No.: 43
CT: SB