



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

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

MISCL. FIRST APPEAL NO.205849 OF 2025 (MV-D)

BETWEEN:

1. RADHA
W/O LATE ISHWAR ENAGULE,
AGED ABOUT 36 YEARS,
OCC: HOUSEHOLD,
2. PRAMODREDDY
S/O LATE ISHWAR ENAGULE,
AGED ABOUT 19 YEARS, OCC: STUDENT,
3. PRAVEENREDDY
S/O LATE ISHWAR ENAGULE,
AGED ABOUT 16 YEARS, OCC: STUDENT,
(MINOR REPRESENTED THROUGH ITS
NATURAL MAOTHR BY NAME RADHA
W/O LATE ISHWAR ENAGULE/APPELLANT NO.1)

ALL ARE R/O MUSTARIWADI VILLAGE,
TQ. HUMNABAD, DIST. BIDAR-585 401.

...APPELLANTS

(BY SMT. VEERANI V. NANDI, ADVOCATE)

AND:

1. MR. JASWINDAR SINGH
S/O LAKHAWINDER SINGH VIRK,
AGE: MAJOR, OCC: BUSINESS & OWNER OF





TATA LPT BAERING NO.MH-40/Y-4120,
R/O PLOT NO 67, BAIL BAZAR TAH.

2. THE MANAGER,
ORINETAL INSURANCE CO. LTD.,
OPP: MINI VIDHAN SOUDHA,
KALABURAGI-85 102.
3. THE MANAGER,
CHOLAMANDALAM M.S. GENERAL INSURANCE
COMPANY LTD.,
NAGPUR, MAHARASHTRA-440 002.

...RESPONDENTS

(BY SRI. S.S. ASPALLI, ADVOCATE FOR R3;
V/O DTD. 08.12.2025, NOTICE TO R1 & R2 DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO CALL FOR THE RECORDS IN MVC NO.560/2016 ON THE FILE OF MOTOR VEHICLE ACCIDENT CLAIMS TRIBUNAL AT HUMNABAD AND MODIFY THE JUDGMENT AND AWARD DATED 27.11.2023 PASSED BY THE MOTOR VEHICLE ACCIDENT CLAIMS TRIBUNAL AT HUMNABAD BY ALLOWING THE PRESENT APPEAL.

THIS APPEAL 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. This appeal is preferred by the claimants, seeking enhancement of compensation, assailing the judgment and award dated 27.11.2023 in MVC



No.560/2016 on the file of the Motor Accident Claims Tribunal at Humnabad (for short 'the Tribunal',) partly allowing the claim petition and awarding compensation.

3. Having taken note of the submissions made by the learned counsel appearing for the parties, it is not in dispute as to the occurrence of the accident on 29.07.2015, in which the husband of claimant No.1 – Ishwar Enagule died. Therefore, the appellants are entitled for enhancement of compensation.

4. Since the accident is of the year 2015, considering the guidelines of the Karnataka State Legal Services Authority, the Tribunal has rightly taken the notional income of the deceased at Rs.8,000/- per month. 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**, 40% is to be added towards future prospects. Further, the multiplier of '16' and the deductions towards personal expenses of the deceased at 1/3rd considered by the Tribunal are just



and proper. Thus, the appellants are entitled for Rs.14,33,600/- towards loss of dependency (Rs.8,000 + 40% x 12 x 16 x 2/3).

5. As per the judgment of the Hon'ble Supreme Court in the case of ***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram & others*** reported in ***(2018) 18 SCC 130***, and in the case of ***United India Insurance Company Limited vs. Satinder Kaur @ Satwinder Kaur and others*** reported in ***(2020) 9 SCC 644***, appellant No.1 being the wife of the deceased is entitled for Rs.40,000/- towards spousal consortium and appellant Nos.2 and 3 being the children of the deceased are entitled for Rs.40,000/- each towards parental consortium.

6. As per the judgment of the Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi*** (supra), the appellants are also entitled for an amount of Rs.30,000/- under the



conventional heads i.e., loss of estate and funeral expenses.

7. Accordingly, the compensation awarded by the Tribunal is reassessed as under:

Loss of dependency	Rs.14,33,600
Loss of consortium	Rs.1,20,000/-
Conventional heads	Rs.30,000/-
Total	Rs.15,83,600/-
Less: awarded by the Tribunal	Rs.12,22,000/-
Enhancement:	Rs.3,61,600/-

Thus, the appellants are entitled for enhanced compensation of Rs.3,61,600/- with interest at 6% p.a.

8. In the result, I pass the following:

ORDER

(i) The appeal is allowed in part.

(ii) The appellants/claimants are entitled for enhanced compensation of Rs.3,61,600/- with interest at 6% p.a. from the date of petition till realization. However,



as per the order of this Court dated 08.12.2025, the appellants are not entitled for interest for the delayed period of 633 days in filing the appeal.

(iii) Respondent No.3-Insurance Company is directed to deposit the said amount within six weeks from the date of receipt of a certified copy of this judgment.

Sri S.S. Aspalli, learned counsel appearing for respondent No.3 is permitted to file vakalath within four weeks from today.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 24