



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO.101084 OF 2024 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.100374 OF 2024 (MV-D)

IN MFA NO.101084/2024

BETWEEN:

1. SMT. MANJULA W/O. RAVICHANDRA BHOVIVADDAR
AGE. 35 YEARS, OCC. COOLIE,
2. RANJITHA D/O. RAVICHANDRA BHOVIVADDAR
AGE. 14 YEARS,
3. SANDHYA D/O. RAVICHANDRA BHOVIVADDAR
AGE. 12 YEARS,
4. SINDHU D/O. RAVICHANDRA BHOVIVADDAR
AGE. 10 YEARS,
5. SAGAR S/O. RAVICHANDRA BHOVIVADDAR
AGE. 7 YEARS,

APPELLANTS NO.1 TO 5 ARE
R/AT.#382, GANESH NAGAR,
PUTTANMANE, GOSAVIGALLI,



NC: 2025:KHC-D:15568-DB
MFA No. 101084 of 2024
C/W MFA No. 100374 of 2024

TQ. SIRSI, DIST. UTTAR KANNADA-581401.
APPELLANTS NO.2 TO 5 ARE MINORS
REPRESENTED BY THEIR MOTHER, NATURAL
GUARDIAN SMT. MANJULA APPELLANT NO.1 HEREIN.

...APPELLANTS

(BY SMT. V. VIDYA, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR,
NWKRTC, HUBLI, REPRESENTED BY DIVISIONAL
CONTROLLER, NWKRTC, SIRSI DIVISION, SIRSI
UTTARA KANNADA DISTRICT-581401,
BUS NO.KA-31/F-1583.
2. SMT. CHINNAVVA HANUMANTHAPPA BHOVIVADDAR
W/O. HANUMANTHAPPA BHOVIVADDAR
AGE. 77 YEARS, OCC. COOLIE,
R/AT. #382, GANESH NAGAR, PUTTANMANE,
GOSAVIGALLI, TQ. SIRSI,
DIST. UTTAR KANNADA-581401.

...RESPONDENTS

(BY SRI. S.C. BHUTI. ADVOCATE FOR R1;
MISS GAYATRI, ADVOCATE FOR R2)

IN MFA NO.100374/2024

BETWEEN:

SMT. CHINNAVVA HANUMANTHAPPA BHOVIVADDAR
W/O. HANUMANTHAPPA BHOVIVADDAR
AGE. 77 YEARS,
R/O. #382, GANESH NAGAR,
PUTTANMANE, GOSAVIGALLI,
TQ. SIRSI, DIST. UTTAR KANNADA-581401.

...APPELLANT

(BY MISS GAYATRI, ADVOCATE)

AND:

1. NWKRTC, SIRSI DIVISION,
REPRESENTED BY ITS DIVISIONAL CONTROLLER,



SIRSI, DIST. UTTAR KANNADA-581401.

2. SMT. MANJULA W/O RAVICHANDRA BHOVIVADDAR
AGE. 35 YEARS,
3. RANJITHA D/O. RAVICHANDRA BHOVIVADDAR
AGE. 14 YEARS,
4. SANDHYA D/O. RAVICHANDRA BHOVIVADDAR
AGE. 12 YEARS,
5. SINDHU D/O. RAVICHANDRA BHOVIVADDAR
AGE. 10 YEARS,
6. SAGAR S/O. RAVICHANDRA BHOVIVADDAR
AGE. 7 YEARS,

RESPONDENTS NO.2 TO 6 ARE
R/AT. #382, GANESH NAGAR,
PUTTANMANE, GOSAVIGALLI,
TQ. SIRSI, DIST. UTTAR KANNADA-581401

RESPONDENT NO.3 TO 6 ARE
MINORS REPRESENTED BY THEIR MOTHER
NATURAL GUARDIAN
SMT. MANJULA RESPONDENT NO.2 HEREIN.

...RESPONDENTS

(BY SRI. S.C. BHUTI, ADVOCATE FOR R1;
SMT. V. VIDYA, ADVOCATE FOR R1 TO R6)

THESE MFA APPEALS IS FILED UNDER SECTION 173 (1) OF
MOTOR VEHICLES ACT, 1988, PRAYING TO MODIFY THE
JUDGMENT AND AWARD DATED 01.09.2023 PASSED IN MVC
NO.252/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
PRINCIPAL JUDICIAL MAGISTRATE FIRST CLASS COURT, SIRSI,
AND ENHANCE THE COMPENSATION AWARDED BY THE
TRIBUNAL AND ALLOW THIS APPEAL WITH COSTS AND ETC.,.

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



**NC: 2025:KHC-D:15568-DB
MFA No. 101084 of 2024
C/W MFA No. 100374 of 2024**

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Though these appeals are listed for admission, with the consent of learned counsel for both the parties, they are taken up for final disposal.

2. MFA No.101084/2024 is filed by the claimants, who are wife and children of the deceased Ravichandra Bhovivaddar praying for enhancement of compensation, not being satisfied with the quantum of compensation awarded under judgment and award dated 01.09.2023 passed in MVC No.252/2021 on the file of learned Senior Civil Judge and Member, Addl. MACT, Sirsi (for short, 'Tribunal'). MFA No.100374/2024 is filed by the mother of the deceased seeking enhancement of compensation awarded by the Tribunal and also apportionment of compensation in her favour.



3. The claimants, who are the wife and children of deceased Ravichandra Bhovivaddar, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation for the accidental death of Ravichandra Bhovivaddar that took place on 15.03.2021 involving Motorcycle bearing registration No.KA-31/EC-2791 and KSRTC Bus bearing registration No.KA-31/F-1583. It is stated that the deceased was aged about 35 years as on the date of accident and he was a mason, earning Rs.20,000/- per month.

4. On issuance of notice, respondent No.1/NWKRTC appeared through its counsel and filed statement of objections denying the entire claim petition averments. It was contended that the rider of motorcycle was riding the same in a rash and negligent manner and caused the accident. Thus, prayed for dismissal of the claim petition.

5. Before the Tribunal, 1st claimant-wife of the deceased examined herself as PW1 apart from marking the documents as Exs.P1 to P11. On behalf of the respondents, driver of the bus examined as RW1 and marked four documents as Exs.R1 to R4. The Tribunal based on entire



material evidence on record awarded total compensation of Rs.19,02,000/- with interest at 6% per annum on the following heads:

Loss of Dependency	Rs.17,92,000/-
Funeral expenses	Rs. 15,000/-
Loss of Estate	Rs. 75,000/-
Filial consortium	Rs. 20,000/-

Total	Rs.19,02,000/-

6. While awarding the above compensation, the Tribunal assessed notional income of the deceased at Rs.10,000/- per month, added 40% of the said income towards future prospects, deducted 1/3rd towards personal and living expenses of the deceased and applied multiplier of 16. The claimants, who are wife and children, not being satisfied with quantum of compensation awarded by the Tribunal are before this Court praying for enhancement of compensation, whereas the mother of the deceased Ravichandra also filed an appeal seeking enhancement of the compensation as well as grant of apportionment in the compensation in her favour.



7. Heard Smt.V. Vidya and Smt. Gayatri S.R., learned counsel for the appellants-claimants in both appeals as well as Sri.S.C. Bhuti, learned counsel for the respondent-Corporation and perused the appeal papers.

8. Smt. V. Vidya, learned counsel for the appellants in MFA No.101084/2024 would submit that the Tribunal committed an error in assessing the income of the deceased at Rs.10,000/- per month, inasmuch as the deceased was doing masonry work and earning Rs.20,000/- per month. Thus, she prays for reassessing the income appropriately. She further submits that in terms of decision of the Hon'ble Apex Court in the case of **National Insurance Company Limited Vs. Pranay Sethi & Others¹**, the claimants would be entitled to escalation of 10% on the compensation awarded under the conventional heads. She also submits that in terms of decision of the Hon'ble Apex Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram & Others²**, each claimants would be entitled for a sum of Rs.40,000/-

¹ AIR 2017 SC 5157

² 2018 ACJ 2782



towards loss of consortium with 10% escalation. She further submits that insofar apportionment in respect of mother of the deceased is concerned, appropriate order may be passed. Thus, she prays for allowing the appeal.

9. Smt. Gayatri S.R., learned counsel appearing for the appellant/mother of the deceased supports the contention of the learned counsel Smt. V.Vidya insofar as enhancement is concerned. She submits that the Tribunal committed a grave error in not apportioning the compensation in favour of the mother of the deceased. Thus, she prays for allowing the appeal by modifying the impugned judgment and award of the Tribunal.

10. *Per contra*, Sri.S.C.Bhuti, learned counsel for the respondent-Corporation would contend that the Tribunal on appreciation of the entire material on record awarded just and reasonable compensation under various heads, which does not call for any interference at the hands of this Court. However, he submits that insofar as apportionment of compensation in



favour of the mother of the deceased is concerned, appropriate order may be passed.

11. Having heard the learned counsel for the parties and on perusal of the appeal papers, the following points would fall for consideration:

- i. Whether the claimants would be entitled for enhanced compensation?*
- ii. Whether the appellant/mother of the deceased would be entitled for apportionment in the compensation?*

12. Our answer to the above points would be in the **"affirmative"** for the following reasons:

13. The occurrence of the accident on 15.3.2021 involving Motorcycle bearing registration No.KA-31/EC-2791 and KSRTC Bus bearing registration No.KA-31/F-1583, resultant death of Ravichandra Bhovivaddar is not in dispute. The wife and children are before this Court praying for enhancement of compensation, whereas the mother of the deceased is also in appeal seeking apportionment in the compensation.



14. It is the contention of the appellants-claimants that the Tribunal committed an error in assessing the income of the deceased at Rs.10,000/- per month, which is on the lower side. The claimants though stated that the deceased was earning a sum of Rs.20,000/- per month by doing masonry work, but they have not established the said factum of income by placing on record cogent evidence. In the absence of any material evidence on record to establish the avocation and income of the deceased, this Court and Lok Adalath while settling the accidental claims of the year 2021, would normally assess notional income at Rs.14,250/- per month, taking note of the income chart prepared by KSLSA based on various factors including the minimum wage fixed. Therefore, in the instant case also, in the absence of any corroborative document to establish the income of the deceased, we are of the opinion that it would be just and appropriate for us to determine notional income of the deceased at Rs.14,250/- p.m., taking note of the income chart prepared by KSLSA and also the minimum wage fixed.



15. There is no dispute with regard to age of the deceased as 35 years, applicable multiplier of 16 and addition of 40% of the assessed income of the deceased towards future prospects. However, the Tribunal committed an error in deducting $1/3^{\text{rd}}$ towards personal and living expenses of the deceased. Admittedly, there are six dependants including mother of the deceased. In terms of decision of Hon'ble Apex Court in the case of ***Sarla Verma & Others Vs. Delhi Transport Corporation & Another*³**, when the dependants are 4 to 6 in number, $1/4^{\text{th}}$ has to be deducted towards personal and living expenses of the deceased. In the instant case, the dependents are six in number, therefore, $1/4^{\text{th}}$ has to be deducted towards personal living expenses of the deceased. Thus, the claimants would be entitled for modified compensation on the head of loss of dependency as under:

$$\text{Rs.14,250} + 40\% \times 12 \times 16 \times \frac{3}{4} = \textbf{Rs.28,72,800/-}$$

16. Further, in terms of decision of the Hon'ble Apex Court in ***Pranay Sethi's*** case (supra), the claimants would be

³ 2009 ACJ 1298



entitled to **Rs.16,500/-** towards loss of estate, **Rs.16,500/-** towards funeral expenses and in terms of decision of Hon'ble Apex Court in **Magma General Insurance Company Limited** (*supra*), the claimants would be entitled to **Rs.44,000/-** each towards loss of consortium including 10% escalation. Thus, the claimants would be entitled for modified compensation on the following heads:

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs.28,72,800/-
2.	Loss of estate & Funeral expenses	Rs. 33,000/-
3.	Loss of consortium (Rs.44,000/- each)	Rs. 2,64,000/-
	Total	Rs.31,69,800/-

17. Thus, the claimants would be entitled to total compensation of **Rs.31,69,800/-** as against Rs.19,02,000/- awarded by the Tribunal.

18. The Tribunal committed a grave error in not granting any compensation in favour of the mother of the deceased. The mother of the deceased is also in appeal seeking her apportionment in the compensation. Admittedly, the appellant in MFA No.100374/2024 is the mother of the



deceased and she is aged about 78 years. Therefore, taking note of the age of the mother of the deceased, we are of the considered view that it would be just and appropriate to award 15% of the entire compensation amount of Rs.31,69,800/- to the mother of the deceased. To that extent, the appeal filed by the mother of the deceased is allowed.

19. In the result, we proceed to pass the following:

ORDER

- a) Both appeals are ***allowed in part.***
- b) The impugned judgment and award of the Tribunal is modified holding that the claimants are entitled to total compensation of ***Rs.31,69,800/-*** as against Rs.19,02,000/- awarded by the Tribunal.
- c) The enhanced compensation amount will bear interest at the rate of 6% per annum from the date of claim petition till date of realization.
- d) The respondent-Corporation shall deposit the enhanced compensation amount with accrued interest before the Tribunal within six weeks from the date of receipt of certified copy of this judgment.



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- e) The appellant-mother of the deceased is entitled to 15% of the total compensation with accrued interest, which shall be released in her favour on proper identification.
- f) Remaining 85% of the total compensation amount shall be apportioned as per award of the Tribunal in favour of the wife and children of the deceased.
- g) Draw modified award accordingly.
- h) No order as to costs.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

JTR
CT-CMU
LIST NO.: 1 SL NO.: 35