



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO.3948 OF 2021 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.4181 OF 2020 (MV-D)

IN MFA No. 3948/2021:

BETWEEN:

1. SMT. JAYAMMA
W/O SHIVE GOWDA.
AGED ABOUT 53 YEARS,

SRI. SHIVE GOWDA,
S/O GANGE GOWDA,
SINCE DEAD REPRESENTED
BY THE APPELLANTS HEREIN.
2. SMT. SUMITHRA
W/O RAVI KUMAR
AGED ABOUT 34 YEARS
RESIDENT OF S.DIGGENAHALLI,
JAVAGAL HOBLI,
ARASIKERE TALUK - 573 125,
HASSAN DISTRICT.
3. SRI. V.S. HEMA KUMAR
S/O SHIVE GOWDA,
AGED ABOUT 39 YEARS

APPELLANT NO.1 AND 3 ARE
RESIDENT OF VEERADEVANAHALLI
VILLAGE, HALEBEEDU HOBLI,
BELUR TALUK -573 115.
HASSAN DISTRICT.

...APPELLANTS

(BY SRI. CHETHAN B., ADVOCATE)

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KARNATAKA



AND:

1. SRI. RANGASWAMY,
S/O BASAVARAJY
MAJOR,
RESIDENT OF HALEBEEDU
BELUR TALUK - 573 115
HASSAN DISTRICT.
2. SRI. TABRIS
S/O. MUNEEER
MAJOR
RESIDENT OF THARAGINAPETE,
HALEBEEDU,
BELUR TALUK - 573 115
HASSAN DISTRICT.
3. THE MANAGER,
UNITED INDIA INSURANCE CO.LTD.,
DOOR NO. 19/1, 1ST FLOOR,
KALPANA COMPLEX CANTONMENT
ROAD, THIRUCHIRAPALLI - 620 001
TAMIL NADU STATE.

REPRESENTED BY.
UNITED INDIA INSURANCE CO.LTD.,
VENKATESHWARA BUILDING,
B.M. ROAD,
HASSAN - 573 201
HASSAN DISTRICT.

...RESPONDENTS

(BY SRI. MOHAN KUMAR T., ADVOCATE FOR R3,
VIDE ORDER DATED 31/07/2025,
NOTICE TO R1 AND R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF THE MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.26.12.2019 PASSED IN MVC NO.76/2017
ON THE FILE OF THE SENIOR CIVIL JUDGE, MACT, BELUR, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.



IN MFA NO.4181/2020:

BETWEEN:

THE MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
DOOR NO.19/1,
FIRST FLOOR,
KALPANA COMPLEX,
CANTONMENT BIRD ROAD,
THIRUCHIRAPALLI 620 001.
REP. BY
UNITED INDIA INSURANCE CO.LTD,
VENKATESHWARA BUILDING,
B.M. ROAD,
HASSAN - 573 201.
AND ALSO REP. BY
UNITED INDIA INSURANCE CO.LTD.,
REGIONAL OFFICE,
NO.18, KRUSHI BHAVAN,
5TH FLOOR,OPP: HUDSON CIRCLE,
NRUPATHUNGA ROAD,
BENGALURU-560 001,
REP. BY ITS MANAGER.

...APPELLANT

(BY SRI. MOHAN KUMAR T.,ADVOCATE)

AND:

1. SMT. JAYAMMA
W/O. SHIVE GOWDA,
AGED ABOUT 52 YEARS
2. SRI.SHIVE GOWDA
S/O.GANGE GOWDA,
AGED ABOUT 55 YEARS,
(SINCE R-2 IS DEAD,
R1, R3 AND R4 ARE TREATED AS LR'S OF R2)
3. SMT. SUMITHRA
W/O. RAVI KUMAR,
AGED ABOUT 33 YEARS,
R/O. S.DIGGENAHALLI,
JAVAGAL HOBLI,
ARASIKERE TALUK- 573 125.



4. SRI. V.S. HEMA KUMAR
S/O. SHIVE GOWDA,
MAJOR, AGED ABOUT 38 YEARS,
1,2 AND 4 ARE R/O. VEERADEVANAHALLI
VILLAGE, HALEBEEDU HOBLI,
BELUR TALUK 573 115.
5. SRI. RANGASWAMY
S/O. BASAVARAJU,
MAJOR,
R/O. HALEBEEDU,
BELUR TALUK - 573 115.
(OWNER OF BIKE BEARING NO.
KA 46 J 3818)
6. SRI. TABRIS
S/O. MUNEEER,
MAJOR,
R/O. THARAGINAPETE,
HALEBEEDU,
BELUR TALUK- 573 115.
(DRIVER OF BIKE BEARING NO.
KA 46 J 3818)

...RESPONDENTS

(BY SRI. CHETHAN B., ADVOCATE FOR R1, R3 AND R4,
VIDE ORDER DATED 04.07.2025,
NOTICE TO R5 AND R6 IS HELD SUFFICIENT)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:26.12.2019,
PASSED IN MVC NO.76/2017, ON THE FILE OF THE SENIOR
CIVIL JUDGE AND MACT, BELURU, AWARDING COMPENSATION
OF RS.12,14,000/- WITH INTEREST AT THE RATE OF 9 PERCENT
P.A., FROM THE DATE OF PETITION.

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

CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA



ORAL JUDGMENT

Both these appeals arises out of the judgment and award dated 26.12.2019 passed by the learned Senior Civil Judge and MACT, Belur, in MVC.No.76/2017.

2. MFA.No.4181/2020 is filed by the insurer challenging its liability and quantum of compensation and MFA.No.3948/2021 is filed by the claimants for enhancement of compensation. Since both the appeals arises out of common judgment and award, both are taken up together for final disposal.

3. These matters are slated for orders but with the consent of both the parties, the matters are taken up together for final disposal.

4. The parties are referred to as per their ranking before the Tribunal.

5. The case of the claimants are that one Yashodara was son of claimant Nos.1 and 2 and brother of claimant Nos.3 and 4, met with an accident on 21.10.2015 due to



rash and negligent riding of the motor cycle bearing registration No.KA-46-J-3818. As a result, he sustained grievous injuries and while undergoing treatment, he succumbed to injuries on 31.10.2015. It is the further case of the claimant that deceased was aged about 30 years. He was an agriculturist and was earning Rs.30,000/- per month. The claimants were dependent upon his earnings. With these reasons, prayed to award compensation.

6. The respondent No.3 - insurer denied the petition averments and denied its liability to pay the compensation and it has stated that the said vehicle was falsely implicated in this case, just to claim compensation and prayed to dismiss the claim petition.

7. From the rival contentions of the parties, the Tribunal framed necessary issues.

8. Fact of the accident and death of Yashodara are not seriously disputed. There is no need to reconsider the same.



9. The Tribunal has recorded the evidence of both the parties and after hearing the arguments held that accident occurred due to rash and negligent riding of the motor cycle by its rider. The Tribunal assessed the age of the deceased as 30 years, applied the multiplier as '17', his income as Rs.7,000/- per month, deducted 50% of his income towards personal expenses. Since he was not married. On the basis of the same, following amount of compensation is awarded:

Particulars	Amount in (Rs.)
Loss of dependency	7,14,000
Love and affection	4,00,000
Loss of estate	50,000
Medical expense	50,000
Total	12,14,000

Dissatisfied with the quantum of amount awarded by the Tribunal, claimants have preferred MFA.No.3948/2021.

10. The learned counsel for the appellant - claimant contend that the Tribunal has not considered the income properly. The amount of compensation awarded under the



other heads are on lower side. Therefore, prayed to enhance the same.

11. The learned counsel for insurer strenuously contends that the offending vehicle was falsely implicated in this case and it was not involved in the accident. The alleged incident occurred on 21.10.2015 but no case was registered till 24.10.2015. The deceased was said to have taken treatment at Hassan Government Hospital, but there is no record to substantiate the same. There was no justifiable reason in filing the complaint after five days. He further contended that the amount of compensation awarded under the head love and affection is on the higher side. The Tribunal has awarded interest at the rate of 9% per annum instead of 6% per annum, which is also on the higher side. With these reasons, prayed to set aside the impugned judgment.

12. The claimant on her behalf examined PW-1. In her evidence, she has reiterated the petition averments. Admittedly, she was not an eye witness to the incident.



Relevant documents were marked on behalf of claimants. Ex.P1 reveals that first information was given to the police station on 25.10.2015 and accident occurred on 21.10.2015. According to respondent, it is one of the reasons for doubting the case of the claimant. It is pertinent to note that Ex.P14 is discharge summary given by Jayachamarajendra Hospital, Hassan, which is a Government Hospital. According to the said record, deceased was admitted in hospital on 21.10.2015 and he was discharged due to his death on 24.10.2015. The history of injury is mentioned as "alleged history of injury in RTA, bike vs. bike at 7.15 p.m. on 21.10.2015 - followed by inability to move lower limb". In spite of having this information, it appears that either the said hospital has not sent MLC intimation to the police station, by registering it as MLC case or the concerned police did not register the crime till his death. On the date of accident itself he was admitted to the hospital. The relatives of the deceased did not file a complaint, and they were attending to the injured and arranging to provide best possible treatment to him to save his life. It is natural



conduct of human being. One has to keep in mind the trauma one has to suffer when their kith and kin were fighting between life and death by the injuries suffered in the accident. It does not appear from the records that false complaint was given by falsely implicating the offending vehicle just to claim the compensation. In the cross-examination of PW-1 nothing was brought out to probabalise the said contentions.

13. The Manager of the Insurance Company filed an affidavit on behalf of the insurer stating that a false case was filed against the offending vehicle by relatives of the deceased just to claim compensation. Being a responsible officer of the Insurance Company, that too a Government-owned Insurance Company, has not disclosed the source of information to contend that said vehicle was falsely implicated in the accident. Without any basis, sworn to an affidavit stating that it was a false case. Merely there was a delay in filing the complaint, does not mean that it was a false case. The difficulties and circumstances surrounding the accident are known only to the persons involved and not to



an officer sitting in ivory tower of his office. The Insurance Company has its own team of investigators, who were said to be paid substantially to investigate in doubtful cases. It is not evidence of RW-1 that such a report was secured and because of the same RW-1 doubts about false involvement of the vehicle. Swearing to an affidavit by a responsible officer, assertively contending that it was a false case without any basis shall be deprecated. If there are materials to believe that a false case has been filed, then it may be permissible. In view of the materials available on record, as discussed above, there are no reasons to doubt the genuineness of the accident in the present case. Therefore, the contention of the learned counsel for the appellant-insurer is not tenable.

14. The age of the deceased as stated in the Post Mortem report was accepted by the Tribunal. Therefore, the suitable multiplier applicable to the case in hand is '17'. The income of the deceased is taken as Rs.7,000/- per month. The claimants have produced RTC, which are standing in the name of father, who was alive at the time of the incident. Therefore, the income derived from the said land cannot be



considered as income of the deceased. The deceased was said to be hale and healthy, therefore, he must be earning certain income. On the basis of the chart prepared by Karnataka State Legal Services Authority, notional income of the deceased is taken as Rs.9,000/- per month.

15. In the case of ***National Insurance Company Limited vs. Pranay Sethi¹***, 40% of the income has to be added towards future prospects. Since the deceased was unmarried, 50% of the said income has to be deducted towards personal expenses. The claimants have produced the medical receipts. The deceased had survived for four days and he underwent treatment in the hospital that too in an ICU unit. The total medical expenses as per Ex.P11 was Rs.67,717/-. However, the Tribunal has awarded only Rs.50,000/-. The Tribunal has not considered the attendant charges etc., which needs to be considered and awarded.

16. As per the law laid down in the case of ***Magma General Insurance Company Limited Vs. Nanu Ram alias***

¹ (2017) 16 SCC 680



Chuhru Ram², fair compensation has to be awarded under the head love and affection and loss of consortium to each claimant.

17. For the aforesaid discussions, the compensation awarded needs to be recalculated. Accordingly, claimants are entitled for following amount of compensation:

Particulars	Amount in (Rs.)
Loss of dependency (Rs.9,000+40%x12x17x50%)	12,85,200
Loss of consortium(40,000x4)	1,60,000
Loss of estate	15,000
Loss of funeral expenses	15,000
Medical and incidental expenses	75,000
Total	15,50,200
Amount awarded by the Tribunal	12,14,000
Enhancement	Rs.3,36,200
Rounded off	Rs.3,37,000/-

Undisputedly, the respondents are liable to pay the said compensation of Rs.3,37,000/-.

18. Learned counsel for the appellant/insurer contends that awarding of interest at the rate of 9% is

² (2018) ACJ 2782



highly excessive. Therefore, it may be reduced to 6% per annum.

19. Awarding of interest is discretion of the Tribunal. Looking at the facts and circumstances, the Tribunal has awarded interest at the rate of 9% per annum. It does not appear to be arbitrary exercise of jurisdiction. Therefore, the interest awarded by the Tribunal does not call for any interference. However, for the enhanced amount of compensation, claimants are entitled to the interest @ 6% per annum.

20. It is reported that during the pendency of the appeal that claimant No.2 died on 31.05.2019, claimants have produced the Death Certificate. It indicates that prior to award he was dead and same was not reported before the Tribunal. Since all the legal representatives of the deceased are on record, petition will not abate and it will not affect the rights of the parties to enforce the award. Whatever the amount awarded by the Tribunal as well as this Court in



favour of the claimant No.2 shall be distributed equally between the surviving claimants.

21. Accordingly, I proceed to pass the following:

ORDER

- i. MFA.No.3948/2021 is ***allowed in part*** and MFA.No.4181/2020 is ***dismissed***.
- ii. The impugned judgment and award dated 26.12.2019 passed by the Senior Civil Judge, MACT, Belur in MVC.No.76/2017 is modified;
- iii. The claimants in MFA.No.3948/2021 are entitled to enhancement of Rs.3,37,000/- with interest @ 6% per annum from the date of the petition till its realization.
- iv. Respondent No.3 shall deposit the said amount within a period of six weeks from the date of the award.
- v. Remaining portion of the award passed by the Tribunal regarding release and deposit are not disturbed.



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MFA No. 3948 of 2021
C/W MFA No. 4181 of 2020

vi. Whatever the amount deposited by the insurer in MFA.No.4181/2020 shall be transmitted to the Tribunal for disbursement.

vii. Draw award accordingly.

Registry is directed to send back the records along with a copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE