

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 20TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.100981 OF 2017 (MV)

BETWEEN:

SMT. SUREKHA W/O. HANAMANT PATIL,
AGE: 21 YEARS, OCC: HOUSEHOLD WORK,
R/O: SHIVANUR, TAL: ATHANI,
DIST: BELAGAVI, PIN CODE-591 232.

... APPELLANT

(BY SRI. SANJAY S. KATAGERI, ADVOCATE)

AND:

1. SMT. KASHAWWA W/O. SANGOUDA PATIL,
AGE: 46 YEARS, OCC: HOUSEHOLD WORK,
R/O: TAVANSHI, TAL: ATHANI,
DIST: BELAGAVI, PIN CODE-591 212.

2. SHRI SANGOUDA S/O. BHIMAGOUDA PATIL,
AGE: 51 YEARS, OCC: NIL,
R/O: TAVANSHI, TAL: ATHANI,
DIST: BELAGAVI, PIN CODE-591 212.

3. SMT. CHANDRAWWA
W/O. BHIMAGOUDA PATIL,
AGE: 71 YEARS, OCC: NIL,
R/O: TAVANSHI, TAL: ATHANI,
DIST: BELAGAVI, NOW AT SHREE NAGAR,
BELAGAVI, PIN CODE-590 016.

4. THE DIVISIONAL MANAGER,
MSRTC, KOLHAPUR,
TAL. AND DIST: KOLHAPUR,
PIN CODE-416 012.

... RESPONDENTS

(BY SMT. SHRUTI A. NEELOPANT, ADVOCATE FOR
SRI. SHRIHARSH A. NEELOPANT, ADVOCATE FOR R1 TO R3;
SRI. C.V. ANGADI, ADVOCATE FOR R4)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT 1988, PRAYS THAT THE JUDGMENT AND AWARD DATED 28.11.2016 PASSED IN M.V.C. NO.1951/2016 ON THE FILE OF THE LEARNED VI ADDL. DISTRICT AND SESSIONS JUDGE AND ADDL. MACT, BELAGAVI, IN APPORTIONING THE COMPENSATION OF RS.2,07,500/- WITH INTEREST IN FAVOUR OF THE RESPONDENT NO.1 HEREIN BE REDUCED TO THE EXTENT OF RS.50,000/- WITH PROPORTIONATE INTEREST AND FURTHER MODIFYING AND ENHANCING THE CLAIM COMPENSATION AWARDED FROM RS.4,17,500/- TO RS.15,00,000/- WITH INTEREST @ 9% PER ANNUM FROM THE DATE OF PETITION, TILL THE DATE OF PAYMENT, BY HOLDING THE RESPONDENT NO.2 HEREIN LIABLE TO PAY THE SAID COMPENSATION, AND THEREBY AWARDED ENTIRE ENHANCED AWARD OF COMPENSATION AMOUNT IN FAVOUR OF THE APPELLANT HEREIN, BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 09.02.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

1. This appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988 (hereinafter referred to as 'MV Act') by the claimant-wife challenging the Judgment and Award dated 28.11.2016 passed by the VI Addl. District and Sessions Judge & Addl. MACT, Belagavi, in MVC No.1951/2016.

2. For convenience, the parties are referred to, based on their rankings before the Tribunal.

3. Facts giving rise to the filing of the appeal briefly stated are as under:

On 17.05.2016, the deceased Hanumanth along with his friend was proceeding on a motorcycle bearing Registration No.KA-23/N-6553 from Athani towards Jath. When the said motorcycle reached near Bharamkhodi Cross, near Athani, while overtaking an MSRTC bus bearing Registration No.MH-40/N-9482, an Eicher goods vehicle came from the opposite direction and dashed against the motorcycle. Due to the impact, the bus also hit the deceased, as a result of which, the deceased died on the spot and the pillion rider sustained injuries.

4. It is the case of the claimant that the deceased was aged about 27 years and was working as a coolie earning

Rs.3,000/- per month. The claimant being the wife along with other family members, were dependents on the income of the deceased. Hence, a claim petition was filed under Section 163A of the MV Act seeking compensation.

5. In response to the Court notice, the respondents entered appearance and contested the claim petition. The Tribunal proceeded to adjudicate the matter.

6. The Tribunal, on the basis of the pleadings of the parties, framed issues. After appreciating the oral and documentary evidence on record, the Tribunal allowed the claim petition in part and awarded total compensation of Rs.4,17,500/- with interest at the rate of 9% per annum from the date of petition till realization. The Tribunal also apportioned the compensation by awarding Rs.2,10,000/- in favour of the mother of the deceased and the remaining amount in favour of the wife.

7. The claimant-wife, being aggrieved by the quantum of compensation awarded and the apportionment made by the Tribunal, has filed the present appeal seeking enhancement of compensation and modification of apportionment.

8. The learned counsel for the appellant submitted that the Tribunal has failed to correctly apply the Second Schedule to

Section 163A of the MV Act. He contended that the income of the deceased ought to have been taken at Rs.40,000/- per annum, which is the maximum permissible income under the Second Schedule. He further submitted that the Tribunal has erroneously awarded a lower amount towards loss of dependency and has arbitrarily apportioned nearly 50% of the compensation in favour of the mother of the deceased without assigning valid reasons. Hence, he prayed for enhancement of compensation and modification of apportionment.

9. Though notice to the respondents was served, they remained un-represented.

10. Heard the learned counsel appearing for the appellant and perused the material placed on record.

11. Having considered the contentions advanced, it is well settled that in a claim under Section 163A of the MV Act, the claimant is not required to plead or establish negligence. The liability under Section 163A of the MV Act is based on the principle of no-fault liability. Once the involvement of the motor vehicle in the accident is established, compensation as per the structured formula under the Second Schedule is required to be awarded.

12. On perusal of the records, it is noticed that the deceased was aged about 27 years at the time of accident. As per the Second Schedule to the MV Act, the maximum income that can be considered is Rs.40,000/- per annum. The Tribunal has assessed the income at Rs.36,000/- per annum, which is on the lower side. Therefore, the income is reassessed at Rs.40,000/- per annum. After deducting one-third towards personal expenses and applying the multiplier of 18, the compensation under the head of loss of dependency works out to Rs.4,80,006/- ($\text{Rs.40,000} - \frac{1}{3}^{\text{rd}} \times 18$).

13. The Tribunal has awarded only Rs.4,08,000/- under this head. Hence, the claimant is entitled to enhancement of Rs.72,006/- towards loss of dependency.

14. Thus, the claimant would be entitled to modified compensation under the following heads:

Sl. No.	Head of Compensation	Amount (Rs.)
1	Loss of Dependency	4,80,006/-
2	Loss of Estate	2,500/-
3	Funeral Expenses	2,000/-
4	Loss of Consortium	5,000/-
	Total Compensation	4,89,506/-

15. Thus, the claimant is entitled to total compensation of **Rs.4,89,506/-** as against **Rs.4,17,500/-** awarded by the

Tribunal, resulting in an enhancement of **Rs.72,006/-** with interest at the rate of 6% per annum from the date of petition till its realisation.

16. In the result, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed-in-part***.
- ii. The impugned Judgment and Award dated 28.11.2016 passed in MVC No.1951/2016 by the VI Addl. District and Sessions Judge & Addl. MACT, Belagavi, is ***modified***.
- iii. The claimant-appellant is entitled to total compensation of **Rs.4,89,506/-** as against **Rs.4,17,500/-** awarded by the Tribunal, resulting in an enhancement of **Rs.72,006/-** with interest at the rate of 6% per annum from the date of petition till its realisation.
- iv. The amount in deposit, if any, shall be transmitted to the Tribunal within four months from the date of receipt of copy of this order.
- v. Draw modified award accordingly.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

KGK
CT:BCK