

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.103405 OF 2016 (MV)

BETWEEN:

1. SMT. YALLAVVA
W/O SHANKAR AJATHARAO
AGE: 42 YEARS, OCC: HOUSEHOLD WORK,
R/O: KOHALLI, TQ: ATHANI,
DIST: BELAGAVI-591248.
2. SHRI SHANKAR
S/O BHIMANNA @ BHIMA AJATHARAO
AGE: 47 YEARS, OCC: AGRICULTURE,
R/O: KOHALLI, TQ: ATHANI,
DIST: BELAGAVI-591248.

...APPELLANTS

(BY SRI. SANJAY S. KATAGERI, ADVOCATE)

Digitally signed
by
MOHANKUMAR
B SHELAR
Location: High
Court of
Karnataka,
Dharwad Bench

AND:

1. SHRI MAHADEV SHIVAGOUD BIRADAR
AGE: MAJOR, OCC AGRICULTURE,
R/O: KOHALLI, TQ: ATHANI,
DIST: BELAGAVI-591248,
(OWNER OF JEEP BEARING
NO.KA-23/M-9377)
2. THE DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY LTD.,
THROUGH ITS DIVISIONAL OFFICE,

RAMDEV GALLI, BELAGAVI-590002.

...RESPONDENTS

(BY SRI. M.B MADANALLI, ADVOCATE FOR R1;
SRI. G.N. RAICHUR, ADVOCATE FOR R2)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT 1988, PRAYING TO, THE JUDGMENT AND AWARD DATED 28.12.2015 IN MVC NO.494/2014 PASSED BY THE LEARNED ADDL. SENIOR CIVIL JUDGE AND ADDL. MACT ATHANI IN AWARDING THE COMPENSATION OF RS.5,00,000/- WITH INTEREST AT 6% P.A. BE KINDLY MODIFIED BY ENHANCING TO RS.10,00,000/- WITH INTEREST AT 12% PER ANNUM FROM THE DATE OF PETITION TILL THE DATE OF PAYMENT, BY HOLDING RESPONDENTS NO.1 & 2 JOINTLY AND SEVERALLY LIABLE TO PAY THE COMPENSATION BY ALLOWING THIS APPEAL WITH COST IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.02.2026 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. The claimants have filed this appeal questioning the judgment and award dated 28.12.2015 passed in MVC No.494/2014 by the Addl. Senior Civil Judge and MACT, Athani, wherein a global compensation of Rs.5,00,000/- with interest at 6% per annum was awarded for the death of minor Ashwini aged about 11 years in a road traffic accident dated 07.03.2014.

2. Briefly stated, the facts disclose that on 07.03.2014 at about 11.15 a.m., the deceased minor girl was walking on Kohalli-Kakamari road. At that time, the jeep bearing No.KA-23/M-9377, driven in a rash and negligent manner, dashed against her, resulting in her death on the spot. The Tribunal, after appreciating the evidence of PWs.1 to 3 and documents Exs.P1 to P8, held that the accident occurred due to the negligence of the jeep driver and fastened liability on the owner and the insurer jointly and severally. The said finding on negligence has attained finality.

3. Learned counsel for the appellants contended that the compensation awarded is on the lower side and sought enhancement. Reliance was placed on the judgment of the Hon'ble Supreme Court in **Meena Devi vs. Nunu Chand Mahto @ Nemchand Mahto and others** and other decisions.

4. *Per contra*, learned counsel for the insurance company supported the judgment and award passed by the Tribunal and submitted that the compensation awarded is just and reasonable.

5. Having heard the learned counsel on both sides and on perusal of the material on record, it is not in dispute that the deceased was a minor girl aged about 11 years. The Tribunal has awarded a global compensation of Rs.5,00,000/- by taking into consideration the age of the deceased and the settled principles governing compensation in cases involving death of minor children.

6. In **Meena Devi's** case, the Hon'ble Supreme Court, while dealing with compensation in respect of death

of a minor child, has observed that a reasonable lump sum compensation may be awarded and further held that the rate of interest should ordinarily be 7% per annum.

7. In the present case, this Court finds that the global compensation of Rs.5,00,000/- awarded by the Tribunal is just and reasonable and does not warrant interference. However, in view of the law laid down in paragraph Nos.14 and 15 of **Meena Devi's** case, the rate of interest requires modification. Accordingly, the compensation of Rs.5,00,000/- is maintained, but the rate of interest is enhanced from 6% per annum to 7% per annum from the date of petition till realization. The liability fastened on respondent Nos.1 and 2 jointly and severally is affirmed. In the result, this Court proceeds to pass the following:

ORDER

- (i) The appeal is allowed in part.
- (ii) The compensation of Rs.5,00,000/- awarded by the Tribunal is confirmed.

- (iii) The rate of interest is modified from 6% per annum to 7% per annum, payable from the date of petition till realization.
- (iv) Respondent Nos.1 and 2 are held jointly and severally liable to pay the compensation. The insurance company shall deposit the amount with accrued interest within six weeks from the date of receipt of a certified copy of this judgment.
- (v) The apportionment, mode of deposit and other directions issued by the Tribunal shall remain unaltered.
- (vi) There shall be no order as to costs.

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

RSH, CT:VP