



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 4787 OF 2023 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 1367 OF 2023 (MV-D)

MISCELLANEOUS FIRST APPEAL NO. 1403 OF 2023 (MV-D)

IN MFA No. 4787/2023

BETWEEN:

PADMA
W/O DEVARAJ,
AGED ABOUT 38 YEARS,
R/AT CHANNABYREGOWDA NAGAR,
SULIBELE VILLAGE,
HOSKOTE TALUK – 562 129
BENGALURU RURAL DIST

...APPELLANT

(BY SRI. GURUDEV PRASAD K.T.,ADVOCATE)

AND:

1. SYED SIBGATHULLA
S/O SYED SHAH E ALAM,
R/AT NO 25, YELEPETE,
DODDABALLAPURA TOWN – 561 203
BENGALURU RURAL DISTRICT

2. M/S NATIONAL INSURANCE
BY ITS BRANCH MANAGER,
OFF: NO 3RD FLOOR, ASK COMPLEX,
SAJANANDA NAGAR, 3RD STAGE,



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RAJIPURA, 4TH WARD, D CROSS ROAD,
DODDABALLAPURA – 561 203

...RESPONDENTS

(BY SRI. K.N.SRINIVASA, ADVOCATE FOR R2 (THROUGH VC)
V/O DATED 09.01.2024, NOTICE TO R1 IS DISPENSED
WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.23.11.2022 PASSED IN MVC
NO.76/2020 ON THE FILE OF THE V ADDITIONAL DISTRICT
JUDGE, BENGALURU RURAL, SITTING AT DEVANAHALLI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION
BARRED BY TIME.

IN MFA NO. 1367/2023

BETWEEN:

THE NATIONAL INSURANCE COMPANY LTD.,
OFF: NO 3RD FLOOR, ASK COMPLEX,
SAJANANDA NAGAR, 3RD STAGE,
RAJIPURA, 4TH WARD, D CROSS ROAD,
DODDABALLAPURA – 561 203

REP BY REGIONAL MANAGER
BANGALORE REGIONAL OFFICE,
144, SUBHARAM COMPLEX,
M.G.ROAD
BANGALORE – 560 001

...APPELLANT

(BY SRI. SRINIVASA K N.,ADVOCATE (THROUGH VC))

AND:

1. SRI. MUNISHAMAPPA
S/O LATE. MUNIYAPPA
AGED 60 YEARS
2. SMT. NARAYANAMMA
W/O SRI MUNISHAMAPPA,



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AGED 50 YEARS,
BOTH ABOVE ARE RESIDING AT
GADDADA NAGENAHALLI VILLAGE,
VIJAYAPURA, DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT.

3. SYED SIBGATHULLA
S/O SYED SHAH E ALAM
AGED 50 YEARS
NO.25, YELEPETE
DODDABALLAPURA TOWN
BENGALURU RURAL DISTRICT

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K T.,ADVOCATE FOR R1 & R2;
R3- SERVED- UNREPRESENTED)

THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.23.11.2022 PASSED IN MVC
NO.78/2020 ON THE FILE OF THE V ADDITIONAL DISTRICT
JUDGE, BENGALURU RURAL, SITTING AT DEVANAHALLI,
AWARDING COMPENSATION OF RS.40,36,000/- WITH
INTEREST AT 6 PERCENT P.A. FROM THE DATE OF
PETITION TILL REALIZATION.

IN MFA NO. 1403/2023

BETWEEN:

THE NATIONAL INSURANCE COMPANY LTD.,
OFF. 3RD FLOOR, ASK COMPLEX,
SAJANANDA NAGAR, 3RD STAGE,
ROJIPURA, 4TH WARD, D CROSS ROAD,
DODDABALLAPURA.

REP BY REGIONAL MANAGER
BANGALORE REGIONAL OFFICE,
144, SUBHARAM COMPLEX,
M.G.ROAD
BANGALORE – 560 001

...APPELLANT

(BY SRI. SRINIVASA K N.,ADVOCATE (THROUGH VC))



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AND:

1. SMT. PADMA
W/O SRI DEVARAJ
AGED ABOUT 38 YEARS,
CHANNEBYREGOWDA NAGAR,
SULIBELE VILLAGE,
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT
2. SYED SIBGATHU LLA
S/O SYED SHAH E ALAM
AGED ABOUT 50 YEARS,
NO.25, YELEPETE,
DODDABALLAPURA TOWN
BENGALURU RURAL DISTRICT

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K T.,ADVOCATE FOR R1
R2 SERVED- UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 23.11.2022 PASSED IN MVC NO.76/2020 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT (SIT AT DEVANAHALLI), AWARDING COMPENSATION OF RS.22,58,400/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K



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ORAL JUDGMENT

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

The above 3 appeals, two appeals by the Insurance Company and one by the claimants arise out of the same accident and directed against the judgment and award dated 23.11.2022 in MVC No.76/2020 and in MVC No.78/2020 on the file of the V Additional District Judge, Bengaluru Rural sitting at Devanahalli.

2. MFA No.4787/2023 and MFA No.1403/2023 arise from MVC No.76/2020. MFA No.1367/2023 arises out of MVC No.78/2020.

3. The brief facts of the case in MFA No.1403/2023 and MFA No.4787/2023 are that:

The claimant, mother of the deceased Karthik filed claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation for the accidental death of the said Karthik in road traffic accident that occurred on 24.02.2020 involving a Canter vehicle bearing registration



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No.KA-04-B-5256 and two motorbikes bearing Registration No.KA-07-S-2532 and KA-07-EC-0373. It is stated that the deceased Karthik was aged about 19 years as on the date of accident and was earning a sum of Rs.50,000/- p.m. by doing flower business.

4. Before the Tribunal, the claimant mother of deceased got examined herself as P.W.1 apart from marking the documents as Ex.P1 to Ex.P14 whereas the Insurance Company examined R.W.1 and marked the documents at Ex.R1 to Ex.R3. The Tribunal, on appreciation of material on record awarded total compensation of Rs.22,58,400/- with interest at the rate of 6% p.a. from the date of petition till realization, on the following heads:

Sl.No.	Heads	Amount in Rs.
01	Transportation of dead body and funeral expenses	Rs. 18,000/-
02	Loss of love and affection	Rs. 48,000/-
03	Loss of dependency	Rs.21,92,400/-
	Total	Rs.22,58,400/-

While awarding the above compensation, the Tribunal assessed the notional income of the deceased at



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Rs.14,500/- p.m.; added 40% of the assessed income towards future prospects since the deceased was aged below 40 years; deducted 50% towards personal living expenses since the deceased was bachelor; adopted multiplier of 18 and awarded Rs.48,000/- towards loss of love and affection.

5. In MFA No.1367/2023 the claimants being parents of the deceased Naveen Kumar filed claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation for the accidental death of the said Naveen Kumar involving Canter Vehicle bearing Registration No.KA-04-B-5256 and two motorbikes bearing Registration No.KA-07-S-2532 and KA-07-EC-0373. It is stated that the deceased was aged 28 years as on the date of accident and was earning a sum of Rs.28,000/- p.m. by working as Business Development Executive.

6. The respondent-Insurance Company in both the appeals appeared and filed its written statement admitting



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the policy coverage of Goods Tempo bearing No.KA-04-B-5256. Further, it is contended that as there is violation of terms and conditions of the Policy, the insurer is not liable to compensate the claimants. It is also stated that the driver of the offending vehicle was not having valid and effective Driving Licence and endorsement to drive Goods Tempo. Thus, it is prayed to dismiss both the claim petitions filed by the claimants.

7. The Tribunal, on appreciation of material on record awarded total compensation of Rs.40,36,000/- with interest at the rate of 6% p.a. from the date of petition till realization, on the following heads:

Sl.No.	Heads	Amount in Rs.
01	Transportation of dead body and funeral expenses	Rs. 18,000/-
02	Loss of love and affection	Rs. 48,000/-
03	Loss of dependency	Rs.39,69,840/-
	Total	Rs.40,35,840/-
	Rounded off	Rs.40,36,000/-

While awarding the above compensation, the Tribunal assessed the income of the deceased at Rs.27,800/-;



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added 40% towards future prospects and deducted 50% towards personal expenses since the deceased was a bachelor and applied appropriate multiplier of 17.

8. The insurer is in appeals against the judgment in both the claim petitions and contended that the Tribunal committed a grave error in saddling the liability on the Insurance Company. Further contended that the Tribunal ought to have passed an order of pay and recovery. The claimant in MVC No.76/2020 is before this Court, praying for enhancement of compensation.

9. Learned counsel Sri.K.N.Srinivasa appearing for the Insurance Company would contend that the driver of the offending Goods vehicle had no valid and effective Driving Licence as on the date of accident. Further, he would submit that the offending vehicle is a Medium Goods vehicle and driver had no endorsement to drive the said vehicle. As the claimants had failed to produce the details



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of the licence of the driver of the Goods Vehicle, the insurer is to be absolved of the liability.

10. Per contra, learned counsel Sri.Gurudevprasad K.T. appearing for the claimant would contend that the insurer has not placed on record any material to prove their contention that the driver of the offending Goods vehicle had no licence in a manner known to law. As the insurer had not placed on record any material or led any cogent evidence, their contention needs to be rejected. Further, with regard to enhancement of compensation in MVC No.76/2020 learned counsel would submit that the quantum of compensation awarded by the Tribunal is on the lower side and pray for enhancement of compensation. Thus, he would pray for allowing the appeal filed by the claimant and to dismiss the appeal filed by the Insurance Company.

11. Having heard the learned counsel for the parties and on perusal of the entire appeal papers and the records of



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the Tribunal, the points that arise for our consideration in all the appeals are:

(i) Whether the insurer proves the contention that the driver of the offending vehicle had no valid and effective driving licence as on the date of accident.?

(ii) Whether the claimant/appellant in MVC No.4787/2023 is entitled for enhanced compensation?

12. Answer to the above points would be in negative and affirmative respectively, for following reasons:

The accident that occurred on 24.02.2020 at 2.00 p.m. involving Goods Tempo bearing registration No. KA-04-B-5256 and two motorbikes bearing Registration No.KA-07-S-2532 and KA-07-EC-0373 and the accidental death of Sri.Karthik and Sri.Naveen Kumar are not in dispute in these appeals. The insurer is in appeals disputing that the driver of the offending vehicle had no valid and effective Driving Licence as on the date of



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accident and prayed for the passing the judgment for pay and recovery.

13. Except making statement that the driver of the offending vehicle had no valid and effective Driving Licence as on the date of accident, the insurer has not placed on record any cogent material or examined any officer of the RTO to prove the said contention. When the insurer has failed to produce any material on record or to examine the concerned person to establish the contention that the driver of the offending Goods vehicle had no valid and effective Driving Licence as on the date of accident, the Tribunal is justified in coming to the conclusion that the insurer has not proved the said contention.

14. The Tribunal in MVC No.78/2020 which is impugned in MFA No.1367/2023 had framed a specific issue as to whether respondent No.2 proves that the driver of the Tata Goods vehicle had no valid and effective Driving Licence and owner has violated terms and conditions of the



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Policy. The said issue has been considered by the Tribunal at paragraphs 14 and 15 and the Tribunal has answered the said issue in the negative by assigning proper reasons. We do not find any good ground to interfere nor the Insurance Company has produced any cogent material to differ with the said finding. Therefore, MFA Nos.1367/2023 and 1403/2023 filed by the Insurance Company stands ***rejected***.

15. In MFA No.4787/2023, the claimant is before this Court seeking enhancement of compensation. The claimant has stated that the deceased was having a monthly income of Rs.50,000/- by doing flower business. Further the claimant has not placed on record any material to establish the income of the deceased. In the absence of any material to establish the income, the Tribunal is justified in assessing the notional income of the deceased at Rs.14,500/- p.m., taking note of the notional income chart prepared by the Karnataka State Legal Services Authority. Further, the Tribunal is justified in adding 40%



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of the assessed income of the deceased towards future prospects since the deceased was below 40 years of age, and the Tribunal is also justified in deducting 50% of the assessed income towards personal and living expenses of the deceased since the deceased was a bachelor and also justified in applying multiplier of 18. The Tribunal is also justified in awarding a sum of Rs.48,000/- towards consortium. However, the Tribunal has failed to award compensation towards loss of estate. Thus, the claimant would be entitled for additional compensation of Rs.18,000/- towards loss of estate in addition to Rs.22,58,400/- awarded by the Tribunal.

16. To the above extent, the judgment and award passed by the Tribunal in MVC No.76/2020 is modified and the claimant is entitled to enhanced compensation of Rs.18,000/- in addition to the compensation awarded by the Tribunal. Accordingly, MFA No.4787/2023 filed by the claimant is ***allowed in part*** and the claimant is entitled to enhanced compensation of Rs.18,000/-. MFA



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No.1403/2023 and 1367/2023 filed by the appellant-
Insurance Company is ***dismissed***.

The amount in deposit before this Court be
transmitted to the Tribunal, forthwith.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

MPK
CT:RK
List No.: 1 Sl No.: 37