



CNR: KAHC010195382021

NC: 2026:KHC:45845
MFA No. 6296 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.6296 OF 2021(MV-D)

BETWEEN:

NATIONAL INSURANCE COMPANY LIMITED
KOLKATA, D.O II FLOOR
BHARATH BUILDING
P.M RAO ROAD
MANGALURU
NOW REP BY ITS
REGIONAL OFFICE
NO.144, SHUBHARAM COMPLEX
M.G. ROAD, BENGALURU - 560 001
REP BY ITS AUTHORIZES SIGNATORY

...APPELLANT

(BY SRI. A.M VENKATESH, ADVOCATE)

AND:

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

1. U.MOHAMMED SHARIEF
AGED ABOUT 53 YEARS
S/O Y.S. ABDULLA
2. REHAMATH
AGED ABOUT 43 YEARS
W/O U MOHAMMED SHARIEF
3. MOHAMMED SHAHID
AGED ABOUT 23 YEARS
S/O D MOHAMMED SHARIEF



CNR: KAHC010195382021

NC: 2026:KHC:45845
MFA No. 6296 of 2021

4. SUNAINA
AGED ABOUT 18 YEARS
D/O U MOHAMMED SHARIEF

ALL ARE R/AT DOOR NO.23-71/10
SONALAYA COMPOUND
CHOKKABETTU, SURATHKAL
MANGALURU TQ, D.K - 575 04

5. MR SUNIL KISHORE PAIS
S/O SYLVESTER PAIS
AGED ABOUT 48 YEARS
R/AT SECTOR
PO/PS-NEHARALAGUN
PAPUMPARE DISTRICT
ARUNACHAL PRADESH - 791 110

...RESPONDENTS

(BY SRI. KRISHNAMURTHY.D, ADVOCATE FOR R1 TO R4,
VIDE ORDER DATED 11.08.2026, NOTICE TO R5 IS
HELD SUFFICIENT)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.19.02.2021 PASSED IN MVC NO.
1144/2017 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL
JUDGE, MACT, CJM, MANGALURU, D.K, AWARDED
COMPENSATION OF RS.23,38,648/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF
IS REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. This appeal is by the insurer against the judgment and
award dated 19.02.2021 passed in MVC.NO.1144/2017 by the



CNR: KAHC010195382021

Tribunal, whereby the Tribunal partly allowed the claim petition and awarded compensation of Rs.23,38,648/- along with 6% interest p.a. from the date of petition till its realisation.

2. The factual matrix is that on 15.04.2017, at about 8 a.m. deceased Abdul Ikram was proceeding on his motorcycle bearing registration No. KA-19 EU 3155 from Suratkal towards Mangaluru, when he reached near a place called Panambur a bus bearing registration No.AR-01 J 3717 driven by its driver in rash and negligent manner from behind the motorcycle of the deceased, dashed to the motorcycle, due to the impact, the deceased was thrown and sustained grievous injuries and succumbed to the same at Wenlock Hospital, Mangaluru. As such legal heirs of the deceased filed a claim petition for the accidental death of Abdul Ikram claiming compensation.

3. The Tribunal upon assessment of both oral and documentary evidence has partly allowed the claim petition.

4. Aggrieved by which, the insurer is before this Court in the appeal.



CNR: KAHC010195382021

5. The primary contention of the learned counsel for the insurer is that, the Tribunal has grossly erred while taking the income of the deceased at Rs.16,000/- by placing reliance on Ex.P11 and the evidence of PW.2. According to him, Ex.P11 shows income of the deceased as Rs.16,000/- per month out of which Rs.7,300/- as basic, Rs.1,200/- as house rent allowance, Rs.2,500/- as other allowance and Rs.5,000/- as special allowances. PW.2 has not explained about the special allowances and further there is no deduction towards professional tax. Hence, he prays to allow the appeal by reassessing the income of the deceased.

6. Per contra, learned counsel for the claimants would contend that the deceased was working as Commi-III in Gold Finch Hotel, Mangaluru and PW.2, being HR Manager of said Hotel categorically stated that the deceased was earning Rs.15,004/- salary per month. Ex.P11 and 12 corroborates to the testimony of PW.2. Hence, the Tribunal was justified in assessing the income at Rs.15,004/-. Accordingly, he prays to dismiss the appeal.



CNR: KAHC010195382021

**NC: 2026:KHC:45845
MFA No. 6296 of 2021**

7. I have given my anxious consideration to the submission made by learned counsel for the respective parties and perused the impugned judgment and award so also the other documents made available before this Court.

8. As could be gathered from records, the occurrence of the accident and the coverage of the insurance policy to the offending vehicle by the insurer are not in dispute. The Tribunal on assessment of evidence of PW.1 and PW.2 and so also Ex.P11 and P13 assessed the income of the deceased at Rs.15,004/-. On careful examination of evidence of PW.2 i.e., the HR Manager of Gold Finch Hotel, Mangaluru, he has categorically stated that the deceased was working as Commi-III in the said hotel from March 2016 to 14th April, 2017. On 15.04.2017, the accident occurred. Thus, it is clear that the deceased was working in the said hotel as Commi-III. Further, PW.2 has stated that the deceased was earning Rs.15,004/- net salary excluding the deduction of Rs.996/-. Ex.P11 - salary slip and Ex.P12 - salary certificate also reveals the same. Thus, the same corroborates to the testimony of PW.2. Additionally, PW.1 - father of the deceased has reiterated the said aspect in his



CNR: KAHC010195382021

**NC: 2026:KHC:45845
MFA No. 6296 of 2021**

evidence. The insurance company has not placed any rebuttal evidence to discredit the testimony of PW.2 or Ex.P11 and P12. In such circumstances, I am of the considered view that the Tribunal has rightly assessed the income of the deceased at Rs.15,004/- and has rightly awarded the compensation. Accordingly, the appeal is dismissed.

**SD/-
(RAJESH RAI K)
JUDGE**

GPG
List No.: 1 Sl No.: 7