



CNR: KAHC010211452023

NC: 2026:KHC:42076
MFA No. 2830 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.2830 OF 2023(MV-D)

BETWEEN:

M/S IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD,
NO.1586, OPP TO BEO OFFICE,
1ST FLOOR, K.R. ROAD,
VIDYANAGARA, MANDYA – 571 400.

NOW REP BY ITS HE MANAGER,
M/S IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD.,
REGIONAL OFFICE SRI SHANTHI TOWERS,
NO.141, 5TH FLOOR,
III MAIN, EAST TO NGEF LAYOUT,
KASTURINAGARA, BANGALORE – 560 043.

...APPELLANT

(BY SRI.B.C SHIVANNE GOWDA., ADVOCATE)

Digitally signed by
REKHA R
Location: High
Court of
Karnataka

AND:

1. SOWBHAGYA,
W/O LATE RAJANNA,
AGED ABOUT 53 YEARS,
2. MANJUNATHA R.,
S/O LATE RAJANNA,
AGED ABOUT 34 YEARS,
3. MANOHAR R,
S/O LATE RAJANNA,
AGED ABOUT 33 YEARS,

ALL ARE R/AT
NO.42-1, 4TH CROSS,
B MAIN, RAMAYYA LAYOUT,



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2ND STAGE, PEENYA,
BENGALURU – 560 058.

4. JAYARAMU C.A.,
S/O ANKEGOWDA,
MAJOR R/AT NO.39,
CHAMALAPURA VILLAGE,
KEELARA POST AND KERAGODU HOBLI,
MANDYA DISTRICT – 571 401.

...RESPONDENTS

(BY SRI. SRINIVASA M.Y., ADVOCATE FOR R4,
R1 TO R3 SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:08.12.2022
PASSED IN MVC NO.6093/2019 ON THE FILE OF THE SMALL
CAUSES JUDGE, MACT, SCCH-9, BENGALURU, AWARDED
COMPENSATION OF RS.6,40,687/- WITH INTEREST AT 9
PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF
REALIZATION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal is by the Insurance Company, calling in
question the judgment and award dated 08.12.2022 in
MVC.No.6093/2019 passed by the Small Causes Judge and
Motor Accident Claims Tribunal, Bangalore (SCCH-9),¹.
The Tribunal under the award passed total compensation

¹ 'Tribunal' for short



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of Rs.6,40,687/- along with interest at the rate of 9% p.a., from the date of petition till realization.

2. Heard, Sri. B.C.Shivanne Gowda, learned counsel for the appellant and Sri.Sreenivasan M.Y, learned counsel for respondent No.4. Though respondent Nos.1 to 3 served but unrepresented.

3. Sri. B.C.Shivanne Gowda, learned counsel argued only on two points:

- (1) The driver of the offending vehicle was not possessing valid driving license as on the date of accident.
- (2) The Tribunal has considered the income for the year 2019, whereas the accident had occurred in the year 2018. In that view of the matter the income could have been taken Rs.12,500/- instead of Rs.14,000/-. Further, the interest in the absence of any evidence to that effect fixed



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at 9% p.a., is exorbitant and sought to allow the appeal.

4. Sri. Sreenivasan, learned counsel argued in support of the judgment and submitted that there is no error in the judgment passed by the Tribunal directing the respondent No.1/Insurer to pay the compensation.

5. Having considered the rival submissions, this Court has perused the entire appeal papers.

6. So far as point No.2 is concerned, admittedly the accident had occurred in the year 2018. However, the Tribunal has taken the income for the year 2019. In that view of the matter, the income must be Rs.12,500/- and the compensation awarded under the head 'loss of dependency' requires reconsideration, accordingly reduced to Rs.3,75,000/-.

7. In view of the judgment of the Hon'ble Supreme Court, the claimants are entitled for 10% escalation for each completed 3 years on the compensation awarded



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under the conventional heads. Accordingly, considering the fact that the accident had occurred in the year 2018, the claimants are entitled for two terms of three completed years, i.e., 20% escalation.

8. Having considered these aspects of the matter, this Court proceeded to reconsider and re-assess the compensation awarded by Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Towards dependency and loss of future income	4,20,000-00	3,75,000-00
2.	Towards consortium 1.Spousal consortium 2.Filial consortium (40,000x2)	40,000-00 80,000-00	40,000-00 80,000-00
3.	Towards loss of estate and Funeral expenses	30,000-00	30,000-00
4.	Medical expenses.	70,687-00	70,687-00
5.	20% escalation for two terms of three completed years on conventional heads	-	30,000-00
	TOTAL	6,40,687-00	6,25,687-00

9. Insofar as first ground of Sri.B.C.Shivanne Gowda, is concerned, though respondent No.4/Insured appeared before the Tribunal as well as this Court, he has



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not placed any document to prove that the driver was in fact, possessed license to drive the vehicle.

10. In that view of the matter, the adverse inference is required to be taken against the respondent/Insured. However, in view of the law laid down by the Hon'ble Supreme Court, the Insurer is primarily made liable to pay the compensation with a liberty to recover the same from the owner.

11. The owner who is present before the Court is bind over to make good be the compensation paid by the Insurer. The owner is directed to furnish the details of the immovable properties, so as to enable the Insurer to proceed and recover the amount from the Insured.

12. The claimants are entitled for interest @ 6% per annum from the date of petition till realization as against 9% per annum, in the absence of any special circumstance, having been made out to award higher



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percentage of interest on the compensation. With these modifications, the appeal is ***allowed***.

13. The amount in deposit is directed to be transmitted to the Tribunal for disbursement. The Insurer shall deposit balance reduced compensation with liberty to recover the same from the Insured. On deposit the entire amount shall be released in favour of the claimants in terms of apportionment.

14. After deposit and release, the Insurance Company on the details furnished by the Insured proceed against the Insured to recover the amount, executing this judgment and modified award, in execution.

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 1
ct-vn