



NC: 2026:KHC:37833-DB
MFA No. 3907 of 2018
C/W MFA No. 4749 of 2018

CNR: KAHC010212722018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 3907 OF 2018 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4749 OF 2018 (MV-D)

IN MFA No. 3907/2018

BETWEEN:

1. SHOBHA
W/O LATE SIDDARAMAIAH,
AGED ABOUT 29 YEARS,
2. RAKSHA.B.S.
D/O LATE SIDDARAMAIAH,
AGED ABOUT 9 YEARS,
3. LIKHITH.B.S.
S/O LATE SIDDARAMAIAH,
AGED ABOUT 7 YEARS,
APPELLANTS NO.2 & 3
SINCE MINOR, REP. BY THEIR MOTHER
AND NATURAL GUARDIAN
SHOBHA.
4. CHANDRAPPA
S/O LATE SIDDALINGAIAH,
AGED ABOUT 75 YEARS,

Digitally signed by
SUMATHY KANNAN
Location: High
Court of
KARNATAKA



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5. PARVATHAMMA
W/O CHANDRAPPA,
AGED ABOUT 64 YEARS,

ALL ARE RESIDENTS OF
BOMMANAHALLI VILLAGE,
GULUR HOBLI,
TUMKUR TALUK
TUMKUR DISTRICT.

...APPELLANTS

(BY SRI. RAMESH.K.R., ADVOCATE)

AND:

1. CHANNEGOWDA
S/O KRISHNAIAH,
AGED ABOUT 43 YEARS,
R/A NO.174, MASKAL AT POST,
GULUR HOBLI, TUMKUR TALUK.
2. THE BRANCH MANAGER,
ORIENTAL INSURANCE CO.LTD.,
J.C.ROAD, TUMKUR CITY.

...RESPONDENTS

(BY SRI. S.SRISHAILA., ADVOCATE FOR R2;
R1-SERVED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:20.03.2015 PASSED IN MVC
NO.313/2015 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE & CJM, & MACT, TUMAKURU PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 4749/2018
BETWEEN:

1. THE ORIENTAL INSURANCE COMPANY LTD.,
J.C.ROAD, TUMKUR-572 101,
REPRESENTED BY AUTHORISED SIGNATORY AT
REGIONAL OFFICE, # 44/45,



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LEO SHOPPING COMPLEX,
RESIDENCY ROAD CROSS,
BANGALORE-560 025.

...APPELLANT

(BY SRI. SRISHAILA.S., ADVOCATE)

AND:

1. SHOBHA
W/O LATE SIDDARAMAIAH,
AGED ABOUT 29 YEARS,
2. RAKSHA.B.S.
D/O LATE SIDDARAMAIAH,
AGED ABOUT 9 YEARS,
3. LIKHITH.B.S.
D/O LATE SIDDARAMAIAH,
AGED ABOUT 7 YEARS,
4. CHANDRAPPA
S/O (NOT MENTIONED),
AGED ABOUT 73 YEARS,
5. PARVATHAMMA
W/O CHANDRAPPA,
AGED ABOUT 64 YEARS,

ALL ARE R/AT BOMMANAHALLI VILLAGE,
GULUR HOBLI, TUMKUR TALUK,
TUMKUR DISTRICT.

6. CHANNEGOWDA
S/O KRISHNAIAH,
AGED ABOUT 43 YEARS,
R/AT NO.174, MASKAL AT POST,
GULUR HOBLI,
TUMAKURU TALUK/ DISTRICT.

...RESPONDENTS

(BY SRI. K.R.RAMESH., ADVOCATE FOR R1 TO R5;



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R2& R3-MINORS REP. BY R1;
R6-SERVED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.03.2018 PASSED IN MVC NO.313/2015 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE & CJM, TUMAKURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. These appeals seek to challenge the Judgment and Award dated 20.03.2018 in MVC No.313/2015 passed by the Additional Senior Civil Judge & CJM, & MACT, Tumakuru, (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded compensation to the appellants/claimants in a sum of Rs.7,69,400/- along with interest at 6% per annum from the date of petition till its realisation.



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2. MFA No.3907/2018 has been filed by the claimants/appellants seeking for enhancement of the compensation awarded by the learned Tribunal while MFA No.4749/2018 has been filed by the Insurance Company seeking to reduce the compensation awarded by the learned Tribunal.

3. Both these appeals arise out of a common Judgment and Award and are listed for admission today. These appeals are taken up for final hearing at the admission stage itself, with the consent of the learned counsel for both the parties.

4. The brief relevant facts are that on 22.08.2014, the deceased after completing his work, was proceeding on his motor cycle bearing Registration No.KA-06-EJ-2813. At that time, another motorcycle bearing Registration No.KA-05-HB-2116 which was being ridden in a rash and negligent manner, hit the deceased and caused the accident. Due to the accident, the deceased sustained



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grievous injuries and succumbed to his injuries in the hospital.

4.1 A claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as the 'MV Act') was filed by the wife, two minor children and the parents of the deceased. They contended that the deceased was working as an agriculturist and also had a milk-vending business and earning Rs.15,000/- per month and he was the only earning member of the family.

4.2 The claim petition was contested by the Insurance Company and the owner of the offending vehicle. The owner of the offending vehicle stated that he had a valid driving licence and he has not committed any negligence. The Insurance Company who is arrayed as respondent No.2 in MFA No.3907/2018 and who is the appellant in the connected MFA No.4749/2018, denied the occurrence of the accident altogether due to the negligence of the rider of the offending motorcycle but contended that the rider of



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the offending motorcycle was not holding a valid driving licence.

5. Based on the pleadings between the parties, the following issues were framed by the learned Tribunal:

- "1. Whether the petitioners prove that they are legal representatives of deceased Siddaramaiah S/o. Chandrappa?*
- 2. Whether the petitioners prove that deceased Siddaramaiah S/o. Chandrappa succumbed to injuries in a motor vehicle accident that occurred on 22.08.2014 at about 6.45 p.m. near Maskal Bus Stop, on Honnudiike-Thimmanahalli road, Gulur Hobli, due to actionable negligence of rider of bike bearing Reg.No.KA-05-HB-2116?*
- 3. Whether the respondent No.2 proves that the rider of bike bearing Reg.No.KA-05-HB-2116 was not holding valid and effective driving licence to ride the said vehicle on the date of accident?*
- 4. Whether the petition is bad for non-joinder of necessary parties?*
- 5. What is the quantum of compensation petitioners are entitled to and from whom?*
- 6. What order?"*

6. In order to prove their case, the wife of the deceased was examined as PW-1, and several documents were exhibited on behalf of the appellants/claimants. These



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documents included copy of the FIR [Exhibit P1], copy of spot panchanama [Exhibit P2], copy of MVI report [Exhibit P3], copy of postmortem report [Exhibit P4], copy of inquest report [Exhibit P5], copy of charge sheet [Exhibit-P6]. In addition, medical bills [Exhibits P7 & P13], prescriptions [Exhibit P8], birth certificate [Exhibit P9], genealogical tree [Exhibit P10] copy of identity card [Exhibit P11] and copy of ration card [Exhibit P12] were also exhibited.

6.1 The Insurance Company examined an Officer as RW-1 and filed one document as Exhibit R1.

7. The learned Tribunal, examined the documents produced before it including the Genealogical tree and ration card and found that the appellants/claimants were the legal representatives of the deceased. In addition, on the aspect of negligence, the learned Tribunal examined the FIR [Exhibit P1], spot panchanama [Exhibit P2], MVI report [Exhibit P3], postmortem report [Exhibit P4],



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Inquest report [Exhibit P5] along with the charge-sheet [Exhibit P6] and found no doubt that the deceased sustained multiple injuries in the accident. The learned Tribunal also found that the rider of the offending motorcycle was also charge-sheeted by the jurisdictional Police. The learned Tribunal further found that the deceased had succumbed on account of the injuries sustained in the motor vehicle accident and thus held that the negligence of the rider of the offending vehicle was proved. On the aspect of driving licence, the learned Tribunal found that RW-1 in her cross-examination, admitted that the rider of the offending motorcycle, had a valid driving licence. Thus, the said issue was answered against the Insurance Company.

7.1 On the aspect of compensation, the learned Tribunal found that based on the minimum wages fixed by the Government of Karnataka under the Mahatma Gandhi National Rural Employment Guarantee Scheme [NREGA], the monthly income of the deceased ought to be taken as



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Rs.6,120/- (Rs.204/- x 30 days) per month. Thus, the learned Tribunal calculated the annual income of the deceased as Rs.73,440/- (Rs.6,120/ x 12). From this annual income, 1/3rd was deducted towards personal expenditure and using the multiplier of '15' since the deceased was 39 years at the time of his death, the compensation towards 'loss of dependency' was calculated as follows:

$$(73440 - 1/3) \times 15 = (73440 - 24480) \times 15$$
$$= \text{Rs.7,34,400/-}$$

7.2 In addition, amounts were awarded towards 'loss of love and affection' and 'funeral expenses' in the following manner:

Sl.No.	Heads of compensation	Amount in Rupees
1	Funeral expenses	10,000-00
2	Loss of dependency	7,34,400-00
3	Loss of love and affection (Rs.5,000 x 5=25,000)	25,000-00
	TOTAL	7,69,400-00



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7.3 The learned Tribunal thus awarded a sum of Rs.7,69,400/- along with interest at 6% per annum.

8. As stated above, the challenge to the Impugned Award has been made by both the appellants/claimants in MFA.No.3907/2018 as well as the appellant/Insurance Company in MFA No.4749/2018 by filing separate appeals.

9. The learned counsel for the appellants/claimants has raised the following contentions:

(i) Firstly, he submits that the income of the deceased was wrongly awarded as Rs.6,120/- per month when it should have been awarded as per the notional income chart prepared by the Karnataka State Legal Services Authority.

(ii) Secondly, he submits that no amounts were awarded for future prospects. The deceased was 39 years old and in terms of the judgment of the Supreme Court in the case of



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National Insurance Co. Ltd., vs. Pranay Sethi¹ as well as ***Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr.***², future prospects at 40% ought to have been awarded.

(iii) Thirdly, he submits that the deduction of amounts towards personal and living expenses given the fact that there were five dependants, should have been made at 1/4th and not 1/3rd, which is in terms of the judgment in ***Sarla Verma*** case.

(iv) Lastly, it is contented that even the amounts under non-pecuniary heads including loss of consortium have been wrongly awarded.

10. Learned counsel for the Insurance Company on the other hand submits that the challenge in the appeal in MFA No.4749/2018 is on two grounds. Firstly, that the time of the accident was disputed. At one place it was stated to be 3.00 p.m., while at the other place it was stated to be

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121



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6.45 p.m. Thus, he contends that the compensation ought not to be awarded. Secondly, learned counsel for the Insurance Company submits that the post mortem report [Exhibit P4] does not state that the death occurred as a result of the accident.

11. In rejoinder, learned counsel for the appellants/claimants has contended that as far as the occurrence of the accident is concerned, the claim petition filed before the learned Tribunal rightly in Column 8 states that it was 6.45 pm and the same time is also recorded in the FIR. He submits that in Paragraph 22 of the claim petition, inadvertently 3.00 p.m. was written, however the accident did occur at 6.45 p.m. Secondly, he submits that so far as concerns the contention of the Insurance Company, that the accident was not the cause of the death of the deceased, this contention was not raised by them in their written statement. However, as is stated in the claim petition, the deceased was returning from his work on his motorcycle to his residence. He was a healthy



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individual prior to the accident. After the accident he was immediately rushed to the hospital and he died in the hospital on the next day itself. He submits that there can be absolutely no other reason for the death of the deceased except the motorcycle accident.

12. Given the contentions of the parties, the following points arise for the determination by this Court:

(i) Whether the compensation as awarded by the learned Tribunal has been awarded in terms of settled legal principles? and

(ii) Whether any compensation ought to have been awarded since the post mortem report does not reflect the cause of death as the accident?

13. It is apposite to discuss the contentions of the Insurance Company. On an examination of the claim petition dated 19.03.2015 as filed by the claimants reflects that in Column 8, the place and time of the accident is shown as: *"in the Honnudiike – Thimmanahalli road near*



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Maskal Bus Stop, Gulur Hobli on 22.08.2014 at about 6.45 p.m. The claim petition also sets out that on 22.08.2014 after finishing his work at office, the husband of the claimant was proceeding on his motor cycle with care and caution on Honnudike - Thimmanahalli road near Maskal Bus Stand and at that time the rider of a bike bearing Registration No.KA-05-HB-2116 coming at a high speed, hit the deceased causing the accident. As a result of the accident, the injured was taken to Government Hospital, Tumkur and thereafter to Nimhans. It further states that initially the deceased was shifted to Pals Hospital from where he was referred to Tumkur Government General Hospital. But on the way, he had died in the ambulance and his post mortem was conducted in Tumkur Government Hospital. The relevant extract of Paragraph 22 is given below:

"22. Any Other Information:-

That on 22.08.14, at about 3.00 P.M, the 1st claimant husband was come from Honnudike, after complication of his work and he proceeding with care and cautious driving, in the left side of the road, on Honnudike



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Thimmanahalli road, near Maskal Bus stand, at the relevant of the time the Bike bearing Reg. No.KA-05-HB-2116 driver was drive the Bike at high speed and negligent manner came from Tammadihalli side and dashed ageist to him and caused the accident, as a result the 1st petitioner husband was sustained multiple injuries on head and all over the body and after the accident the deceased was shifted to Govt. Hospital Tumkur and taking the First AID treatment, then the duty doctor was refer to NIMHANS, the deceased was taking treatment then refer to another Hospital for treatment and the deceased was shifted to Pals Hospital and taking further checkup then refer to Tumkur Govt. general hospital for regular treatment, but on the way comes to Tumkur the injured i.e. SIDDARAMAIAH S/O CHANDRAPPA was died in a Ambulance near Batavadi, Tumkur, and the duty doctor was conducted the P.M. and after the P.M the claimants was taking in to custody of the dead body.

Further the claimants were spent more than Rs.1.00,000/-towards Hospitalization charges and Rs.50.000/- for Funeral charges and other incidental charges.

xxx

xxx

xxx

The accident has happened purely due to the rash and negligent driver of the Bike bearing Reg. No.KA-05-HB-2116. The Hebbur police have registered a case in Crime No.119/14 against the driver of the said Bike for the offence punishable under Section 279 and 304(a) of the I.P.C."

[Emphasis Supplied]

13.1 No doubt, paragraph 22 of the claim petition mentions 3.00 p.m. at one place. However, an examination of the FIR [Ex.P1] clearly states that the



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accident happened on 22.08.2014 at 6.45 p.m. while the deceased passed away on 23.08.2014 at about 3.00 p.m. The place of the accident is also mentioned in the FIR which tallies with the contentions of the appellants / claimants.

14. The counsel for the respondent/Insurance Company has not disputed the accident. He has merely disputed the time of the accident. Since the factum of the accident is not disputed and documents filed by the Jurisdictional police also refer to the accident having taken place at 6.45 p.m. on 22.08.2014, there appears to be no doubt in our mind that the accident took place at that time. In any event, the factum of the accident not being disputed, this issue would become moot so far as concerns the challenge in the appeal filed by respondent/Insurance Company.

15. On the second contention raised by the Insurance Company as to the factum of the correlation of the death of the deceased with the accident, it is not disputed by the



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parties that the death took place in less than 24 hours of the accident. It is also not disputed that the deceased was admitted to hospital and thereafter moved to another hospital and passed away within a few hours thereafter.

16. An examination of the post mortem report [Exhibit P4] and the Inquest Report [Exhibit P5], does reflect that the deceased sustained several severe injuries. The hospital report which forms part of [Ex.P8] also reflects that the deceased was admitted after an accident happened on the road RTA (road traffic accident) on 22.08.2014 and there was fracture of his frontal lobe and various other complications and that he was put on ventilator support. The relevant extract of the hospital report, is reproduced below:

"NAME: MR. SIDDARAMAYA DATE: 23/08/2014
AGE/SEX: 35 YR/M

TO WHOMEVER IT MAY CONCERN

This patient has been admitted with h/o RTA near Tumkur Main Road on 22/08/2014 at 7.00 p.m. CT-shows communicated depressed fracture of frontal bone right SDM. FTP region i midline shift to left side 1.5 cm, multiple areas of infract condition and complication has been explained to attendant. But attendant wants to shift to other hospital at



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their own risk. So discharge against medical advice.

Condition at time of discharge:

On ventilator support"

XXX

XXX

XXX

Kindly do the needful.

Dr. Guruprasad"

[Emphasis Supplied]

17. The deceased being 39 years of age and nothing being there on record to show a previous illness of the deceased and the fact that he died in less than 24 hours after the accident read with the hospital reports shows that the death occurred as a result of the accident. Accordingly, this contention of the Insurance Company is also rejected.

18. So far as concerns the compensation awarded, it is not disputed that the notional income for the year 2014 was Rs.8,500/-. It is settled law that the compensation has to be awarded in accordance with the principles as set out in the ***Sarla Verma*** case as well as the ***Pranay Sethi*** case. Since there were five dependants of the deceased including his father / petitioner No.4 who was aged 70 years old, there is no doubt that 1/4th of his income has to



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be deducted while calculating compensation towards 'loss of dependency'. Accordingly, the 'loss of dependency' would require to be recalculated as under:

Loss of Dependency	Amount (in Rs.)
$[(8500 + 40\%) - \frac{1}{4}] \times 12 \times 15$ $= (11900 - 2975) \times 12 \times 15$	16,06,500/-

19. Compensation towards 'loss of consortium' also is required to be awarded in terms of the judgment of ***Pranay Sethi*** at Rs.40,000/- each including adding escalation at 20% on the non-conventional heads. Further, an amount of Rs.18,000/- each requires to be awarded towards 'loss of estate' and 'funeral expenses'. Accordingly, the compensation is recalculated in the following manner:

Sl.No.	Heads of compensation	Amount in Rupees
1	Loss of dependency	16,06,500-00
2	Loss of consortium	2,40,000-00
3	Loss of Estate	18,000-00



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4	Funeral Expenses	18,000-00
	TOTAL	18,82,500-00
	Amount awarded by the Tribunal	Rs.7,69,400/-
	Enhanced compensation	Rs.11,13,100/-

20. On the aspect of the interest at 6% awarded by the learned Tribunal, one of us Tara Vitasta Ganju J., in a recent judgment in the case of ***United India Insurance Co. Ltd. vs. Sri.Malyadri.M And Others***³ has examined this issue in detail and found that the award of interest @ 9% per annum in cases of death and in cases of permanent disability has been regularly upheld by the Supreme Court. It is apposite to extract the relevant portion of the judgment below:

*"24. Thus, an analysis of the precedents shows that the award of interest **over the last 5-10 years has infact consistently been awarded @ 9% p.a. or upholding such an award.***

xxx

xxx

xxx

29. An analysis of the foregoing discussions of the Supreme Court, reflects that the Supreme Court has consistently held that the award of interest is intended to recompensate the claimant for being deprived of

³ NC: 2026: KHC: 25458



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the use of money, which ought to have been paid at the time of occurrence of the accident. The rate of interest, therefore, must be just, fair and reasonable, having regard to the prevailing economic conditions and bank rates.

29.1. The award of interest is usually determined at the prevailing bank rate of interest on a case-to-case basis and at the rate which is just and fair and reasonable.

29.2 There cannot be any 'straitjacket formula' in determining the rate of interest and that the same must depend on the facts and circumstances of each case. The guiding principle remains that the rate must neither be punitive nor non-existent but must strike a balance between fairness to the claimant and reasonableness to the insurer.

29.3 The rate of interest 9% is more appropriate in case involving death and serious injury especially, where there is a long delay in the claimants receiving the compensation.

30. In the present case, the accident occurred in the year 2016 leading to the death of the wife of respondent No.1 and mother of respondent Nos.2 and 3. The award came to be passed in the year 2018. The learned Tribunal has deemed it apposite to award interest on the compensation @ 9% per annum. The award of interest is not punitive as is fair considering the prevailing economic condition and bank rates. In addition, it is now 10 years since the date of the accident.

31. The learned Trial Court has awarded interest at the rate of 9% per annum. This Court finds no infirmity with the Impugned Award of 9% interest in the circumstances of the present case."

[Emphasis Supplied]



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21. It is observed that the learned Tribunal has awarded interest at the rate of 6% per annum. Since the present case involved the death of a man aged 39 years old with five dependents being his wife, children and aged parents, all of whom have lost their only source of income. It has also been 12 years since the accident. In these circumstances, we deem it apposite to enhance the interest to 8%.

22. Hence, the appellants/claimants are entitled to a total compensation of **Rs.18,82,500/-** along with interest at 8% p.a. from the date of petition till its realization.

23. Accordingly, this Court proceeds to pass the following:

ORDER

(i) MFA No.4749 of 2018 is dismissed. MFA No.3907 of 2018 is partly allowed.

(ii) The Impugned Judgment and Award dated 20.03.2018 in MVC No.313/2015 passed by the Additional Senior Civil Judge & MACT, Tumakur is



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modified, awarding total compensation of **Rs.18,82,500/-** along with interest at the rate of 8% per annum from the date of petition till realization.

(iii) The remaining portion of the Impugned Award of the learned Tribunal remains undisturbed.

(iv) The appellant in MFA No.4749/2018/Insurance Company shall deposit the enhanced compensation with interest applicable thereon, within eight weeks from the date of receipt of a copy of this judgment.

(v) On such deposit of compensation, the same shall be released in favour of the appellants in MFA No.3907/2018/claimants, on filing of an appropriate application for withdrawal of the enhanced amount.

(vi) The Registry is directed to draw the modified Award accordingly.



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(vii) The Registry is directed transmit a copy of this judgment to the concerned Tribunal, along with its records.

(viii) No order as to costs.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

KS
List No.: 1 Sl No.: 14