



NC: 2026:KHC:32035-DB
MFA No. 1901 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 1901 OF 2017 (MV-D)

BETWEEN:

1. SMT. HONNAMMA
W/O NEELAPPA.T.N.,
AGED ABOUT 50 YEARS,
2. NEELAPPA
S/O NINGAPPA,
AGED ABOUT 56 YEARS,

BOTH ARE R/AT
HALE KUNDUVADA VILLAGE,
DAVANAGERE TALUK - 577 001.

...APPELLANTS

Digitally signed
by JAL JYOTHI J
Location:
HIGH COURT
OF KARNATAKA

(BY SRI. ANIKETAN SUVVI., ADVOCATE FOR
SRI. RAVI H K., ADVOCATE)

AND:

1. NARESH.P.NAGALAVADI
S/O PARASHURAM NAGALAVADI,
AGED ABOUT 30 YEARS,
DRIVER OF LORRY,
BEARING REG NO. TN.70/TC-1282,
R/O LAKHANAI VILLAGE,
DONGARGAON POST, KANERI TALUK,
BHANDRA, MAHARASTRA STATE - 835 302.
2. THE MANAGER,
ASHOK LEYLAND LIMITED,



7TH FLOOR, NO.1, SARDAR PATEL ROAD,
GUINDY, CHENNAI - 600 032.
(OWNER OF LORRY BEARING
REG NO. TN/70/TC-1282).

3. THE MANAGER,
IFFCO TOKIO GENERAL INSURANCE COMPANY LTD.,
127/A, BHAVANI ARCADES, 3RD FLOOR,
NEAR OLD BUS STAND, OPP. BASAVAVANA,
NEW COTTON MARKET, HUBLI - 580 021.

...RESPONDENTS

(BY SRI. B.C.SHIVANNE GOWDA., ADVOCATE FOR R3;
NOTICE TO R1 & 2-DISPENSED WITH V/O/DTD:28.11.2024)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:30.09.2014, PASSED IN MVC
NO.897/2013 ON THE FILE OF THE III ADDITIONAL SENIOR
CIVIL JUDGE, & VII ADDITIONAL MACT, DAVANAGERE, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, 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. The present appeal seeks to challenge the judgment
and award dated 30.09.2014, in MVC No.897/2013,
passed by the III Additional Senior Civil Judge and VII
Additional MACT, Davanagere (hereinafter referred to as



the 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded compensation to the claimants in a sum of Rs.5,22,000/-, along with interest at 6% per annum from the date of the petition till its realisation.

2. The challenge in the present case has been made by the appellants/claimants.

3. By an order dated 28.11.2024, the Notice to the Driver and owner of the offending vehicle was dispensed with by this Court.

4. Although the matter was listed for Admission, with the consent of the parties and, since the issue involved is limited the matter is taken up for hearing and final disposal at the stage of admission.

5. The brief facts are that on 29.05.2012 at about 04.30 p.m., the deceased Naveen Kumar along with his friend was riding on his motorcycle bearing No.KA-27/S-3451 and when the motorcycle approached Hamsagar DABA on



NH-4 road, the respondent no. 1 being the driver of a Chessy Lorry bearing Reg. No.TN-70/TC-1282, stated to be driving in a rash and negligent manner, hit the motorcycle from the rear side. As a result of the accident, both the deceased as well as the pillion rider sustained injuries. The deceased succumbed to his injuries in the hospital.

6. A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as the 'MV Act') by the parents of the deceased. The claim was contested by the respondent No.3/insurance company. Both the owner and the driver, being respondent Nos.1 and 2, although served did not appear, and were proceeded with *ex parte*.

7. Based on the pleadings filed by the parties, the following issues were framed by the learned Tribunal are:

"(i) Whether the petitioners prove that due to the rash and negligent act of the respondent No.1 who is driver of lorry bearing No.TN/70/TC-1282 accident was caused on 29.05.2012 at about 4.30 p.m., near



Hamsagar, NH-4 road, while T.N.Naveen Kumar proceeding as a pillion rider in motor cycle bearing No.KA-27/S-3451 at K.M.Ashok and due to the accidental injuries T.N.Naveen Kumar succumbed to death at Hospital?

(ii) Whether the respondent No.1 proves that he is not liable to pay any compensation to the petitioner as the respondent No.1 is violated the terms and conditions of policy?

(iii) Whether the petitioner is entitled for compensation as prayed? If so, at what rate?

(iv) What relief or award?"

8. The mother of the claimant was examined as PW1. The documents including FIR (Exhibit-P1), charge-sheet (Exhibit-P3), spot mahazar (Exhibit-P4), vehicle seizure report (Exhibit-P5), IMV report (Exhibit-P12) were filed. In addition, the doctor's prescription and inquest report was also produced as Exhibits-P14 and P13 respectively. The respondent No.3/insurance company examined their Officer as RW-1 and produced three documents including the insurance policy at Exhibit-R1.



9. After examining the evidence produced by the parties, the learned Tribunal found that the offending lorry was being driven in a rash and negligent manner and also found that this was also evidenced through the charge-sheet (Exhibit P3). There is no challenge on this aspect. The only challenge in this appeal is on the aspect of the quantum of compensation awarded by the learned Tribunal.

10. The learned counsel for the appellants/claimants submit that the notional income as per the Karnataka State Legal Services Authority for the year 2012 was Rs.7,000/-, whereas the learned Tribunal has taken the income as Rs.6,000/-. Secondly, he contends that the future prospects was not awarded.

11. The learned counsel for the respondent/insurance company on the other hand is not able to refute the fact that the notional income was Rs.7,000/- for the year 2012. He however submits that no additional amounts ought to be awarded to the appellants/claimants.



12. The point that arises for determination in this appeal is (i) whether the amounts awarded are in accordance with law?

13. Since the Notional income for the year 2012 was Rs.7,000/- and the deceased was a bachelor, aged 24 years and was survived by his parents only, 50% of the income would require to be deducted towards his personal living expenses and the multiplier require to be taken is

18. Further, the future prospects on this amount are also required to be calculated at 40%. Accordingly, the loss of dependency would be recalculated in the following manner:

$$(Rs.7,000 - 50\%) + 40\% \times 12 \times 18 = Rs.10,58,400/-$$

14. Further, in view of the law laid down by the Supreme Court in ***National Insurance Co. Ltd. Vs. Pranay Sethi***¹, loss of consortium is payable at Rs.40,000/- each to two claimants, amounting to **Rs.80,000/-**. The claimants are also entitled to compensation under the

¹ (2017) 16 SCC 680



conventional heads. Accordingly, **loss of estate** and **funeral expenses** are awarded at ₹15,000/- each. To this extent, the award of the learned Tribunal requires to be recalculated in the following terms:

Sl.No.	Particulars	Amount (Rs.)
01.	Loss of Dependency (Rs.7,000 - 50%) + 40% x 12 x 18	10,58,400/-
02.	Loss of Consortium (Rs.40,000 x 2)	80,000/-
03.	Loss of Estate	15,000/-
04.	Funeral expenses	15,000/-
	Total	11,68,400/-
	Less: Awarded by the Tribunal	5,22,000/-
	Enhanced compensation	6,46,400/-

15. Hence, the appellants/claimants are entitled to a total compensation of **Rs.11,68,000/-** along with interest as awarded by the learned Tribunal, from the date of petition till its realization.

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

ORDER

(i) The appeal is ***allowed in part;***



(ii) The Judgment and Award dated 30.09.2014 in MVC No.897/2013 passed by the III Additional Senior Civil Judge and VII Additional MACT, Davanagere is modified, enhancing the compensation by **Rs.6,46,400/-** along with interest at the rate of 6% per annum as awarded by the learned Tribunal from the date of petition till realization.

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

(iv) The respondent No.3/Insurance company is directed to pay the enhanced compensation with interest as awarded by the Tribunal within eight weeks from today.

(v) On such deposit of compensation, the same shall be released in favour of the claimants, on filing of an appropriate application for withdrawal of the enhanced amount.



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

(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**

JJ
List No.: 1 Sl No.: 7