



CNR: KAHC010241482021

NC: 2026:KHC:45411
MFA No. 3901 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.3901 OF 2021(MV-D)

BETWEEN:

SRI. BYAPPA
S/O LATE RAMAPPA
SINCE DIED BY LRS,

1. SMT. CHOWDAMMA
W/O SRI BYAPPA
AGED ABOUT 75 YEARS
2. SMT VENKATARAVANAMMA
W/O LATE SHIVA REDDY B,
AGED ABOUT 51 YEARS,

APPELLANTS NO.1 AND 2 ARE
R/AT ANKALAMADAGU VILLAGE,
KADADHANAMARI POST,
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT.

3. SRI. A.S SANTHOSH
S/O LATE SHIVA REDDY B,
AGED ABOUT 30 YEARS,
4. SRI. A.S PRATHAP REDDY
S/O LATE SHIVA REDDY B,
AGED ABOUT 28 YEARS,
5. SRI. A.S BHASKAR
S/O LATE SHIVA REDDY B,

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 28 YEARS,

APPELLANTS NO.3 TO 5 AER PRESENTLY
R/AT THIGALACHOWDENAHALLI VILLAGE,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT

APPELLANTS NO.3, 4 AND 5
PERMANENT ADDRESS
R/AT ANKALAMADAGU VILLAGE,
KADADHANAMARI POST,
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT.

...APPELLANTS

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. SRI. G.K SURESH
S/O KONDA REDDY,
AGED ABOUT 56 YEARS,
R/O S.RAGHUTTAHALLI VILLAGE & POST,
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT,
OWNER OF THE BUS BEARING
REG.NO.KA-40-416.
2. THE MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
REGIONAL OFFICE, KRUSHI BHAVAN,
HUDSON CIRCLE, BENGALURU,
REPRESENTED BY IT'S
REGIONAL MANAGER
POLICY NO. 071502/31/11/01/00011781)
VALIDITY FROM 27-03-2012 TO 26-03-2013
ISSUED AT CHINTHAMANI OFFICE,
CHIKKABALLAPURA DISTRICT.
3. THE MANAGER
UNITED INDIA INSURANCE COMPANY LTD,



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NO.16, SBLT BUILDING,
POLYTECHNIC ROAD,
CHINTHAMANI-563125.

...RESPONDENTS

(BY SRI. V. SUBASH REDDY, ADVOCATE FOR R1,
SRI. B.S. KRISHNA, ADVOCATE FOR R2 & R3)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.19.03.2018 PASSED IN MVC NO.44/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, CHINTAMANI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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. The appeal is filed seeking enhancement of compensation awarded by the Tribunal vide judgment and award dated 19.03.2018 in MVC.No.44/2013.
2. It is not in dispute that as a result of the motor vehicle accident which occurred on 21.08.2012, Shiva Reddy, a 44 years old died.
3. The factual matrix of the case is that, on 21.08.2012 at about 3:00 P.M, when the deceased - Shiva Reddy riding the motorcycle, along with a pillion rider namely A.C.Ashok, was



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proceeding towards Chintamani, a bus bearing Reg.no.KA-40-416 driven by its driver in a rash and negligent manner came from side of Chintamani in a high speed and dashed against the motorcycle. As a result of which, the rider of the motorcycle and the pillion rider were thrown out of the motor cycle and they sustained grievous injuries. They were immediately shifted to the Batlahalli primary health centre for first aid, later taken to NIMHANS hospital, to treat the head injury, where the rider of the motorcycle succumbed to the injuries. Accordingly, the legal representatives of deceased - rider of the motorcycle filed a claim petition before the Tribunal seeking compensation for the accidental death of Shiva Reddy.

4. The Tribunal, on assessment of evidence adduced before it, has come to the conclusion that the driver of the offending vehicle as well as deceased - rider of the motorcycle were responsible for the accident in the ratio of 80 : 20. The Tribunal has thereafter proceeded to award the following sums as compensation:



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Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of Dependency	12,60,000
2.	Loss of estate	15,000
3.	Loss of Consortium	15,000
4.	Medical expenses	1,500
5.	Funeral expenses	40,000
6.	Future prospects	3,15,000
	Total	16,46,500

5. Aggrieved by which, the claimants are before this Court seeking enhancement of compensation and challenging attribution of negligence on the deceased.

6. Heard the learned counsel for both the parties and perused the material on record.

7. Learned counsel for the claimants would contend that the Tribunal has erred in attributing 20% negligence on the part of the rider of the motorcycle i.e., the deceased by placing reliance on Ex.P4 and Ex.P5 - spot mahazar along with the sketch, although the charge sheet has been laid against the driver of the bus. He would further contend that the Tribunal



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has erred in awarding meager compensation under all the heads. Accordingly, he would pray for allowing of the appeal by enhancing the compensation.

8. On the other hand, learned counsel for the insurer would contend that the deceased - rider of the motorcycle was riding the motorcycle negligently. He further contends that the claimants have suppressed the facts and not revealed the details of the vehicle, and in absence of such details they cannot contend that the accident took place solely on the negligence of the driver of the offending vehicle. Hence, the Tribunal was justified in attributing 20% contributory negligence on the rider of the motorcycle i.e., the deceased. He would also contend that the Tribunal has, however, erred in awarding exorbitant compensation under all the heads. Accordingly, he would pray for dismissal of the appeal.

9. I have given my anxious consideration to the submissions of learned counsel for both the parties and perused the records.

10. As could be gathered from records, the accident and the policy coverage for the offending vehicle are not in dispute.



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Based on Ex.P4 and P5 - Spot Mahazar and sketch, the Tribunal attributed 20% contributory negligence on the rider of the motorcycle. A review of Ex.P4 and Ex.P5 confirms that the rider of the motorcycle was moving towards Chintamani i.e., from East to West in a 18 feet width road almost in the middle of the road and even the driver of the offending vehicle who was moving from Chintamani side towards Batlahalli i.e., from West to East i.e., opposite direction also crossed the middle of the road and dashed against the motorcycle. Therefore, the Tribunal was justified in its finding attributing the ratio of contributory negligence i.e., 20:80 as against the deceased and the driver of the offending vehicle respectively.

11. In order to arrive at the loss of dependency, the Tribunal has determined the monthly income, justly at Rs.10,000/-.

12. Since the deceased was aged 44 years and was self-employed, **25%** requires to be added to the monthly income towards future prospects, which would result in the income to be Rs.12,500/- (Rs.10,000 + 25%).



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13. Since there are five dependents, $1/4^{\text{th}}$ requires to be deducted towards personal expenses, which makes his monthly income to be Rs.9,375/- (Rs.10,000 - $1/4^{\text{th}}$). The income of the deceased for the purposes of determining the loss of dependency would thus be **Rs.9,375/-**.

14. As the deceased was aged 44 years, a multiplier of '**14**' would have to be applied.

15. Consequently, the claimants would be entitled to a sum of **Rs.15,75,000/-** (Rs.9,375 x 12 x 14) towards "*loss of dependency*".

16. The claimants, being the mother, wife and children, each be entitled to a sum of **Rs.48,400/-** towards "*loss of consortium*" i.e., in all **Rs.2,42,000/-** and they would also be entitled to a sum of **Rs.36,300/-** under the "*conventional heads*".

17. The sum of **Rs.1,500/-** awarded by the Tribunal towards medical expenses, being based on documentary evidence, is affirmed



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18. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums:

Sl. No.	Particulars	Amount (In Rs.)
1.	Loss of Dependency	15,75,000
2.	Loss of Consortium	2,42,000
3.	Conventional Heads	36,300
4.	Medical expenses	1,500
	Less: 20% contributory negligence	3,70,960
	Total	14,83,840

19. Thus, the claimant would be entitled for compensation of **Rs.14,83,960/-** as against Rs.13,17,200/- awarded by the Tribunal. The enhanced compensation shall carry interest at that rate of 6% per annum from the date of petition till its realization. However, the claimants are not entitled to interest for a delayed period of 598 days.

20. The Insurance Company is directed to deposit the amount of compensation awarded within a period of six weeks from the date of receipt of a certified copy of this judgment.



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21. The apportionment of compensation amount shall be in terms of the award of the Tribunal.

Accordingly, the appeal is ***allowed in part.***

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

PKS
List No.: 1 Sl No.: 21