



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.1969 OF 2026 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.3054 OF 2026 (MV-D)

IN MFA No.1969/2026

BETWEEN:

THE MANAGER,
UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LTD.,
MOTOR CLAIMS HUB,
OFFICE NO.7, 2ND FLOOR,
SHAH COMPLEX, 9TH MAIN,
5TH BLOCK, JAYANAGAR,
BANGALORE-560 041.

NOW REP BY
UNIVERSAL SOMPO
GENERAL INSURANCE COMPANY LTD.,
4TH FLOOR. KVV SAMRAT,
217/A, 3RD MAIN,
OUTER RING ROAD,
KASTURI NAGAR,
BANGALORE - 560 043.

...APPELLANT

(BY SRI.B. PRADEEP, ADVOCATE)

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by G
SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



AND:

1. SMT. BANDLAKATLA ANANDAKUMAR KAVYA
W/O E. BHIMESHWAR
D/O B.ANAND KUMAR
AGED ABOUT 28 YEARS.
2. A. SUBRAMANYAM
S/O LATE A. CHANGA CHARI
AGED ABOUT 55 YEARS.
3. SMT. A. SREEDEVI
W/O A. SUBRAMANYAM
AGED ABOUT 49 YEARS.

ALL ARE RESIDING AT
11-53, NELLA PALLI VILLAGE,
PEDDAPANJANI, KOLATHUR,
CHITTOR,
ANDHRA PRADESH-517 414.

4. MR. K.M. SOMASHEKAR
S/O K.P. MUNIYAPPA,
MAJOR,
KOTAHALLI VILLAGE,
ABLU DU POST,
SHIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT-562 101.

...RESPONDENTS

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE FOR R1-R3,
SRI.K.V.RAMACHANDRA, ADVOCATE FOR R4)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17.09.2025 PASSED IN MVC
NO.3653/2024 ON THE FILE OF THE XVII ADDITIONAL JUDGE,
COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU,
AWARDING COMPENSATION OF RS.63,24,072/- WITH
INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION
TILL REALIZATION.



IN MFA NO.3054/2026

BETWEEN:

1. SMT. BANDLAKATLA ANANDAKUMAR KAVY
W/O E.BHIMESHWAR
D/O B.ANAND KUMAR,
AGED ABOUT 28 YEARS,
2. A.SUBRAMANYAM
S/O LATE.A.CHANGA CHARI,
AGED ABOUT 55 YEARS,
3. SMT.A.SREEDEVI
W/O A.SUBRAMANYAM,
AGED ABOUT 49 YEARS,

ALL ARE RESIDING AT:
NO.11-53, NELLA PALLI VILLAGE,
PEDDAPANJANI, KOLATHUR,
CHITTOOR,
ANDHRA PRADESH-517 414.

...APPELLANTS

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE)

AND:

1. M/S UNIVERSAL SOMPO GENERAL INS.CO. LTD.,
BY ITS MANAGER,
MOTOR CLAIMS HUB,
OFFICE NO.7, 2ND FLOOR,
SHAH COMPLEX, 9TH MAIN,
5TH BLOCK, JAYANAGAR,
BENGALURU-560 041.
2. MR.K.M.SOMASHEKAR
S/O K.P.MUNIYAPPA,
AGED ABOUT 35 YEARS,
KOTAHALLI VILLAGE,
ABLU DU POST,
SHIDLAGHATTA TALUK,



NC: 2026:KHC:34345-DB
MFA No. 1969 of 2026
C/W MFA No. 3054 of 2026

CHIKKABALLAPURA DISTRICT
PIN - 562 101.

...RESPONDENTS

(BY SRI.B.PRADEEP, ADVOCATE FOR R1,

VIDE ORDER DATED 07/07/2026, NOTICE TO R2 D/W)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED. 17/09/2025 PASSED IN MVC NO.3653/2024 ON THE FILE OF THE XVII ADDL. JUDGE, COURT OF SMALL CAUSES AND MEMBER , MACT, MAYO HALL UNIT, BENGALURU (SCCH-21)., PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

MFA No.1969/2026 is filed by the Insurance Company challenging the liability fastened on it and MFA No.3054/2026 is filed by the claimants praying for enhancement of compensation respectively under Section 173(1) of Motor Vehicles Act, 1988 (hereinafter referred to as 'MV Act' for short), challenging the judgment and award



passed in MVC No.3653/2024 dated 17.09.2025 by the XVII Additional Judge, Court of Small Causes & Member, MACT, Mayo Hall Unit, Bengaluru (SCCH-21).

2. The brief facts of the case are that on 02.05.2024 at about 3.15 p.m., when the deceased was riding a motorcycle bearing Reg.No.KA-53-HH-4753 proceeding beside Hanging Bridge, Old Madras Road, Service Road, K.R.Puram, Bengaluru, at that time, a Car bearing Reg.No.KA-40-M-6966 driven in a rash and negligent manner dashed to the deceased motorcycle. Due to the impact, deceased fell down and sustained grievous injuries all over the body. Immediately, he was shifted to K.R.Puram Government Hospital, wherein the Doctor examined the deceased and declared brought dead. Therefore, the claimants have filed claim petition under Section 166 of the Motor Vehicles Act, seeking compensation.



3. Heard the arguments of learned counsel appearing on both side and perused the material on record.

4. Learned counsel for the Insurance Company contended that the Tribunal has failed to notice that the police after thorough investigation filed the charge sheet against the deceased as accused No.2 under Section 185 of the IMV Act, as such, the deceased was solely responsible for the alleged accident and contended that the deceased had consumed alcohol while riding the motorcycle. He further contended that the accident has occurred between the motorcycle and the Car, there is head on collision between the two vehicles. As per Ex.P.33 - IMV report, it indicates that the front right side door of the Car found dented and front right side head lamp mask scratches, right crash guard and rear break operative foot peddle damaged, hence, it is clear that the deceased dashed against the right side of the Car and solely responsible for the alleged accident. He also



contended that the deceased was not wearing helmet at the time of the accident and has violated Section 129 of the MV Act. He further submits that the Tribunal has granted excessive compensation by taking the income of the deceased at Rs.32,269/- per month and adding 40% of the income towards future prospects. He further contends that quantum of compensation awarded by the Tribunal is on the higher side. Therefore, on these grounds, prays for interference with the judgment and award passed by the Tribunal by allowing the appeal.

5. On the other hand, learned counsel for the claimants submitted that the monthly income taken by the Tribunal at Rs.32,269/- is meager as the deceased was earning a sum of Rs.33,000/- per month. The quantum of compensation awarded by the Tribunal is on lower side. Therefore, prays for enhancement of compensation by allowing the appeal.

6. In the present case, this Court has carefully observed the contention taken by the Insurance Company



that the deceased was solely responsible for the accident as he had consumed alcohol and a charge sheet was filed against him under Section 185 of the IMV Act. It is a settled legal position that the criminal charge sheet is a piece of corroborative evidence but cannot form the sole foundation of civil liability in motor accident claims. Civil negligence must be assessed based on the preponderance of probabilities. The presence of alcohol in the bloodstream does not automatically establish that the intoxication was the sole cause of the accident. The Insurer has failed to lead evidence or examine the driver of the car to establish that the deceased lost control of his vehicle due to such intoxication or that the car driver exercised all due care to avoid the collision. Further, the IMV Report at Ex.P.33 showing damage to the front right side of the car, in cases of head-on or side-impact collisions on open roads, composite negligence cannot be inferred merely from the post-crash positioning of dents. In the absence of a clear spot sketch showing the exact



width of the road and the side on which the accident happened, the car driver cannot be absolved of being cautious.

7. With regard to the statutory violation of not wearing a helmet under Section 129 of the MV Act, the Hon'ble Apex Court in the case of ***M.Nithya and others vs. SBI General Insurance Company Ltd.***, reported in ***2025 Supreme (SC) 1508*** wherein, at paragraph No.7 has held as under:-

"7. It is pertinent to observe that the Tribunal noted that the Insurance Company in their Counter contend that contributory negligence of the part of the deceased has to be fixed. However, the Tribunal did not frame any specific issue in that regard for determination. The Tribunal clearly finds negligence only on part of the driver of the lorry and therefore, the owner of the lorry and the Insurance Company which insured the said lorry are jointly and severally found liable to pay compensation. Therefore, when the Tribunal did not even frame an issue on contributory negligence, the High Court ought not to have considered that argument in order to reduce the compensation awarded. Even otherwise the Insurance Company did not lead any evidence on this aspect nor insisted for framing an issue. Merely making a bald assertion in their Counter Affidavit cannot derive any advantage. Hence, we are in agreement with the findings of the Tribunal that the accident took place only due to the negligence of the driver of the lorry and therefore, the contributory



negligence awarded on part of the deceased by the High Court suffers from an error and cannot be sustained."

8. Hence, it is made clear that while it is a violation, it only impacts quantum, if it is proven that the head injury causing death was aggravated solely by the absence of a helmet. The Insurance Company has failed to produce evidence showing the exact cause of death exclusively to the non-wearing of a helmet.

9. The Insurance Company has further contended that the Tribunal erred in adding 40% to the income of the deceased towards future prospects and relied on the judgment in the case of ***Oriental Insurance Co.Ltd., vs. Champbati Ray and others in MACAPP 378/2017.***

The addition of future prospects to the income of the deceased is a standardized addition to determine actual "loss of dependency" at the time of the death of the deceased. As per the decision of Hon'ble Apex Court in the case of ***National Insurance Company Ltd., vs. Pranay Sethi*** reported in ***(2017) 16 SCC 680***, 40% of



the income has to be added to the deceased, who are below the age of '40' years.

10. In view of the aforesaid discussions, the Tribunal is correct in its reasoning and therefore, there is no merit found in the submission of the learned counsel for the Insurance Company in this regard. Accordingly, the appeal is liable to be dismissed.

11. The appellants - claimants in MFA No.3054/2026 have urged several grounds challenging the findings of the Tribunal. It is contended that the Tribunal erred in computing the monthly income at ₹32,269/- instead of ₹33,000/-, ignoring clear documentary evidence establishing his salary at the time of the accident. It is further argued that the sum of ₹61,44,072/- awarded under the head of 'Loss of Dependency' is highly inadequate and erroneous. Furthermore, the appellants contend that the Tribunal failed to grant appropriate compensation under conventional heads and erred in



awarding interest at a mere 6% instead of 12% per annum.

12. Perusing the trial Court records and reasoning assigned by the Tribunal, we find no legal infirmity or perversity in the impugned judgment and award. The assessment of income by the Tribunal is based on net salary reflected in the salary slips and bank statements produced by the claimants. The difference between the alleged income of ₹33,000/- and the assessed income of ₹32,269/- is nominal, representing statutory deductions like Professional Tax and Provident Fund. It is a well-settled legal proposition that statutory deductions must be excluded while calculating the net income for evaluating the loss of dependency. Therefore, the Tribunal's assessment cannot be termed illegal or erroneous.

13. The Tribunal has meticulously calculated the loss of dependency by strictly following the settled principles laid down by the Hon'ble Supreme Court in the case of ***Sarla Verma v. Delhi Transport Corporation*** reported



in ***AIR 2009 SC 3104*** and ***National Insurance Co. Ltd. v. Pranay Sethi*** reported in **(2017) 16 SCC 680**. Considering the age of the deceased at 27 years, the appropriate multiplier of '17' was applied and added 40% towards future prospects and deducted 1/3rd of the income towards personal expenses, hence were accurately computed based on the number of dependent family members.

14. The compensation of ₹63,24,072/- awarded by the Tribunal is just, fair, reasonable, and proportionate to the loss suffered and it does not warrant any further enhancement. Accordingly, the appeal filed by the claimants stands dismissed.

15. Accordingly, we pass the following:-

ORDER

- i. MFA No.1969/2026 filed by the Insurance Company is hereby ***dismissed***.



NC: 2026:KHC:34345-DB
MFA No. 1969 of 2026
C/W MFA No. 3054 of 2026

- ii. MFA No.3054/2026 is filed by the claimants is hereby ***dismissed.***
- iii. The judgment and award dated 17.09.2025, passed in M.V.C.No.3653/2024, on the file of the XVII Additional Judge, Court of Small Causes & Member, MACT, Mayo Hall Unit, Bengaluru (SCCH-21) is confirmed.
- iv. The amount in deposit shall be transferred to the Tribunal forthwith.
- v. Registry is directed to return the Trial Court records to the Tribunal, along with certified copy of the judgment passed by this Court forthwith without any delay.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(DR.K.MANMADHA RAO)
JUDGE

MH/-
List No.: 1 Sl No.: 24