



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 13094 OF 2026 (GM-AC)

BETWEEN:

1. SHANTHALA
W/O LATE SHANKARA,
AGED ABOUT 45 YEARS,
2. PALLAVI,
D/O LATE SHANKARA,
AGED ABOUT 22 YEARS,
3. SAROJAMMA
W/O LATE KEMPEGOWDA,
AGED ABOUT 79 YEARS

ALL ARE R/AT ARAKESHWARA NAGARA,
GUTHALU COLONY,
MANDYA CITY - 571 403.
(BENEFIT OF SENIOR CITIZEN IS NOT CLAIMED)

...PETITIONERS

(BY SRI. K.L. SREENIVAS, ADVOCATE)

AND:

1. SAMIULLA
S/O BASHA SAHEB,
AGE NOT KNOWN,
BUT MAJOR,
R/AT NO.434, THAGGAHALLI,
MANDYA TALUK AND DISTRICT - 571 401.



2. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
M.C.ROAD,
MANDYA - 571 401.

...RESPONDENTS

(VIDE C/O DATED 25/04/2026,
NOTICE TO RESPONDENTS IS D/W)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER PASSED BY THE I ADDL. SENIOR CIVIL JUDGE AND CJM, MANDYA IN MVC.NO. 263/2007 ON 13.08.2025, VIDE ANNEXURE-D AS FAR AS IT RELATES TO RETAINING THE AMOUNT AWARDED TO CLAIMANT NO.4 AND ORDER TO RELEASE THE AMOUNT ALLOTTED TO THE SHARE OF THE CLAIMANT NO. 4 IN FAOUR OF THE PETITIONERS AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This writ petition is filed assailing the order of the Tribunal in retaining 1/4th share of claimant No.4 on the ground that pending proceedings, he passed away.

2. Heard learned counsel appearing for the petitioners.

3. Notice to respondents is dispensed with since the award passed by the Tribunal has attained finality and



therefore, issuance of notice to the respondents is unwarranted in the case on hand.

4. It is not in dispute that the petitioners, who are the wife, daughter and mother of the deceased–Shankara, along with claimant No.4, had instituted a claim petition in MVC No.263/2007 seeking compensation on account of death in a road traffic accident. The Tribunal, upon adjudication, allowed the claim petition and awarded compensation of ₹6,42,000/- with interest at 6% per annum. The said award, having been assailed by respondent No.2–Insurance Company in appeal, has been affirmed, and thus has attained finality. Pursuant thereto, when the claimants sought disbursement, the Tribunal has released the shares attributable to petitioner Nos.1 to 3. However, insofar as 20% of the award amount earmarked in favour of claimant No.4–the father of the deceased, the Tribunal has chosen to withhold the same. Such an approach, in the considered view of this Court, is wholly unsustainable.



5. In the event of the demise of claimant No.4, the Tribunal was under an obligation to examine as to who would be the legally entitled successors to the said share and to effect appropriate reallocation in accordance with law. The impugned action of the Tribunal in mechanically withholding the said 20% portion, without adverting to the question of succession or entitlement depicts non-application of mind and results in unjust deprivation of the rightful claimants. The Tribunal, being a forum vested with jurisdiction to ensure just and equitable disbursement, ought not to have adopted such an indeterminate course of action.

6. Learned counsel appearing for the petitioners, on instructions, submits that petitioner No.3-Sarojamma, who is the widow of claimant No.4-Kempegowda, has expressed her willingness to file an affidavit consenting for disbursement of the said 20% share in favour of claimant No.2-Pallavi, who is the daughter of the deceased and granddaughter of claimant No.4. Having regard to the said



submission, which appears to be in furtherance of securing the interest of a dependent claimant, this Court is of the opinion that the impugned order warrants interference and the matter requires reconsideration by the Tribunal.

7. In view of the foregoing discussion, this Court proceeds to pass the following:

ORDER

(i) The petition is hereby allowed.

(ii) The order dated 13.08.2025 passed by the I Additional Senior Civil Judge and CJM, Mandya in MVC No.263/2007, insofar as it directs retention of the 20% share of the award amount allocated to claimant No.4, is hereby set aside, and the matter stands remitted to the Tribunal for fresh consideration limited to the said aspect.

(iii) In the event claimant No.3–Sarojamma files an affidavit expressing her consent for reallocation of the said 20% share in favour of claimant No.2–Pallavi, the Tribunal shall take the same on record and pass



appropriate orders for disbursement, ensuring that the amount so reallocated is kept in a fixed deposit in the name of claimant No.2 for a period of two years, with liberty to seek withdrawal thereafter.

(iv) Liberty is reserved to claimant No.2- Pallavi to seek premature withdrawal of the deposited amount, in accordance with law, in the event her marriage is finalised or upon demonstrating any genuine necessity.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**