



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 5936 OF 2016 (MV-D)

BETWEEN:

RELIANCE GENERAL INSURANCE COMPANY LIMITED,
1ST FLOOR, MYSORE TRADE CENTER,
OPP:KSRTC BUS STAND, MYSORE,
HEREIN REP. BY THE REGIONAL OFFICE,
NO.28, EAST WING,5TH MAIN,CENTENARY
BUILDING, M.G ROAD,BENGALURU-560 001,
BY ITS ZONAL MANAGER (LEGAL).

...APPELLANT

(BY SRI H.S LINGARAJ, ADVOCATE)

AND:

1. SHARADA V MULAGUND,
NOW AGED ABOUT 64 YEARS,
W/O LATE VASANT V MULAGUND,
R/AT NO.181,"RITUPARNA"
3RD CROSS, BALAJI LAYOUT,
MALLATTAHALLI, BENGALURU-560 086.
2. A SHANKAR LAL,
(AGE:NOT MENTIONED IN THE CLAIM PETITION),
S/O AMBALAL,
NO.1408,K2 NAGAGRAHA TEMPLE STREET,
K R MOHALLA, MYSORE-570 001.
3. SANTOSH V MULAGUND,
(AGE:NOT MENTIONED IN THE CLAIM PETITION),
S/O LATE VASANT V MULAGUND,
R/A NO.181,"RITUPARNA"
1ST FLOOR, 3RD CROSS, BALAJI LAYOUT,



MALLATTAHALLI, BENGALURU-560 056

...RESPONDENTS

(BY SRI B.M CHANDRASHEKARA, ADVOCATE FOR R-1;
SRI M K NAGENDRA KUMAR, ADVOCATE FOR R-3;
V/O DATED 05.03.2022 APPEAL ABATED AGAINST R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 22.6.2016 PASSED IN MVC NO.6660/2013 ON THE FILE OF THE 10TH ADDITIONAL JUDGE, COURT OF SMALL CAUSES, (SCCH-16), BENGALURU, AWARDING A COMPENSATION OF RS.13,25,000/- WITH INTEREST @ 9% P.A FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

1. Heard the learned counsel appearing for the appellant. None appears for respondents.

2. Aggrieved by the judgment and award in MVC No.6660/2013 by learned X Additional Judge, Court of Small Causes and MACT, Bangalore, respondent No. 2-Insurance Company is before this Court in appeal.

3. The parties would be referred to as per their rank before the Tribunal for the sake of convenience.



4. The petitioner is the wife of the deceased- Vasant V. Mulagund and on 15.07.2013 the deceased was proceeding on his scooter as a rider near Nagarbavi ring road, Bangalore, and a gas lorry bearing No. KA.09.A.2273 came in high speed and in rash and negligent manner and dashed against the deceased resulting in his instantaneous death. A case was registered by the concerned police and ultimately, a charge sheet was filed against the lorry driver. The owner and insurer of the lorry are arrayed as respondent No. 1 and respondent No. 2. The petitioner contended that deceased was working as a Lecturer in Viswabharathi Vidya Mandira School earning Rs.42,000/- per month and used to contribute to the family. The deceased was aged about 64 years at the time of the accident and therefore, the petitioner is entitled for compensation from the owner and insurer of the offending vehicle.

5. The petition was opposed by respondent No. 2- Insurance Company, contending that there was negligence



on the part of the deceased also and as such, the compensation claimed by the petitioner being exorbitant, imaginary and untenable, the same is liable to be dismissed. *Inter alia*, it was contented that the terms and conditions of the policy were violated by the driver of the lorry.

6. Appropriate issues were framed by the Tribunal and the petitioner was examined as PW1. Exhibit P1 to Exhibit 16 were marked in evidence. Official of respondent No. 2/appellant was examined as RW 1 and Exhibit R1 was marked. Driver of the lorry was examined as RW 2. After hearing the arguments, the Tribunal held that the petitioner is entitled for a compensation of Rs.13,25,000/- under following heads:

Sl.No.	Head of Compensation	Amount/Rs
1	Loss of dependency	10,50,000
2	Loss of consortium	1,00,000
3	Loss of estate	50,000
4	Loss of love and affection	1,00,000
5	Funeral Expenses	25,000
	Total	13,25,000



7. The Tribunal rejected the contention of respondent No. 2 that there was contributory negligence on the part of the deceased.

8. Learned counsel appearing for the appellant-Insurance Company would submit that the assessment of the compensation by the Tribunal is not proper and it could not have granted a sum of Rs.1,00,000/- towards loss of consortium and loss of love and affection as it violates the principles laid down by the Apex Court in the case of **National Insurance Company Limited Vs. Pranay Sethi and others¹**. He submits that the reassessment be made in this regard. He further submits that the Tribunal also erred in holding that there was no contributory negligence on the part of the deceased. He also submits that the rate of interest awarded by the Tribunal is on the higher side.

¹ 2017 (16) SCC 680



9. A perusal of the records would reveal that after investigation the Investigating Agency had filed a charge sheet against the driver of the lorry and therefore, the Tribunal mainly relying upon the investigation papers has held that there was no negligence on the part of the deceased. The testimony of RW2, who is the driver of the lorry is also appreciated by the Tribunal in detail. Para 19 of the impugned judgment would show that the Tribunal has applied its mind and has considered the contentions canvassed by the learned counsel for the appellant. Obviously, when the appreciation of the evidence made by the Tribunal is not shown to be either perverse or illegal in any way, it cannot be interfered with. It is only in such circumstances that when there is perversity in appreciation of evidence, the Appellate Court would interfere and in the absence of any such circumstance being pointed out, this Court is not inclined to accede to the said contention.

10. Insofar as the quantum of the compensation is concerned, the Tribunal has assessed the income of the



deceased at Rs.25,000/- per month. A perusal of the passbook of the account of the deceased would show that there is an entry for a salary of about Rs.31,000/- per month. However, the Tribunal after noticing the discrepancy in the income tax deducted as shown in Form No.16A at Exhibit P16 holds that it is safe to conclude that the income of the deceased was Rs.25,000/- per month. In view of the said reasoning by the Tribunal, it is not necessary for this Court to delve into those aspects. Therefore, the loss of dependency as calculated by the Tribunal by deducting 50% towards the personal expenses of the deceased needs to be maintained. In the result, the quantum of the compensation under the loss of dependency cannot be interfered with.

11. Towards loss of consortium, the Tribunal has awarded sum of Rs.1,00,000/- and towards loss of estate it has awarded Rs.50,000/-. In addition, towards loss of love and affection it has awarded a sum of Rs.1,00,000/-. Obviously, these amounts are not in consonance with the



view taken by the Apex Court in the case of **National Insurance Company Limited Vs. Pranay Sethi and others** referred supra. Hence, the petitioner is entitled for a sum of Rs.44,000/- under the head of 'loss of consortium/love and affection'; a sum of Rs.16,500/- under the head of 'loss of estate' and a sum of Rs.16,500/- under the head of 'funeral expenses' in addition to the compensation under the head of loss of dependency. Thus, the petitioner is entitled for a compensation of Rs.11,27,000/- under following heads:

Loss of dependency	Rs.10,50,000/-
Loss of consortium	Rs. 44,000/-
Loss of estate	Rs. 16,500/-
Funeral expenses	Rs. 16,500/-
Total	Rs.11,27,000/-

12. Insofar as the contention of the learned counsel for the appellant that the rate of interest has to be decreased to 6%, this Court is not convinced about the said argument since the Tribunal has placed reliance on several decisions in this regard in para 26 of its judgment.



13. In that view of the matter, the appeal deserves to be allowed in part. Hence, the following:
ORDER

The appeal is allowed in part.

The petitioner is entitled for a compensation of Rs.11,27,000/- instead of Rs.13,25,000/- as awarded by the Tribunal together with interest at 9% p.a. from the date of petition till realisation.

Rest of the conditions as found in the operative portion of the judgment remain unaltered.

The amount which is in deposit before this Court be transferred to the Tribunal forthwith. After calculation, any excess amount deposited by the appellant be refunded to it.

Sd/-
(C M JOSHI)
JUDGE