



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

M.F.A. NO. 5230 OF 2023 (MV-D)

BETWEEN:

RELIANCE GENERAL INSURANCE
COMPANY LIMITED
UNNATI ARCADE, 5/111 AND 5/112
1ST FLOOR, 1ST BLOCK
DR. RAJKUMAR ROAD,
1ST MAIN ROAD, RAJAJINAGAR
BENGALURU - 560010.

ALSO AT RELIANCE GENERAL
INSURANCE COMPANY LIMITED,
EAST WING, 5TH FLOOR
NO.28, CENTENARY BUILDING,
M G ROAD, BENGALURU-560001.
NOW REP. BY MANAGER LEGAL.

(BY SRI. ASHOK N PATIL, ADV.)

...APPELLANT

AND:

1. SMT. V. RAJESWARI @ C. RAJESWARAMMA
W/O LATE C SIDDA REDDY
AGED ABOUT 51 YEARS,
R/O DOOR NO.3-145-8A-14-1
PRASANTHA NAGAR,
MADANAPALLE TOWN AND MANDAL
CHITTOR DISTRICT-517 128.
2. C CHATRAPAL REDDY
S/O LATE C SIDDA REDDY,



NC: 2026:KHC:26442-DB
MFA No. 5230 of 2023

AGED ABOUT 31 YEARS,
R/O DOOR NO.3-145-8A-14-1
PRASHANTH NAGAR
MADANAPALLE TOWN AND MANDAL
CHITTOR DISTRICT-517 128.

3. C HEMANJALI
W/O M SUJITH BABU
AGED ABOUT 30 YEARS,
R/O DOOR NO.3-161-28-5
SBI COLONY EXTENSION
MADANAPALLE TOWN AND MANDAL
CHITTOR DISTRICT- 517 325.

4. SANDEEP WADHWA
S/O RAJ KRISHAN
BUSINESS
PROPRIETOR SANDEEP ROAD LINE,
AG 407, SANJAY GANDHI
TRANSPORT NAGAR,
SAMY PUR BADLI
NORTH WEST DELHI-110042.

...RESPONDENTS

(BY SRI. RAMACHANDRA HALINATHOTA, ADV. FOR R1-R3
V/O DATED 22.03.2025 NOTICE TO R4 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.04.2023 PASSED IN MVC
NO.3680/2019 ON THE FILE OF THE VI ADDITIONAL ASCJ AND
ACMM, MACT, BENGALURU, SCCH-2, AWARDDING COMPENSATION OF
RS.65,90,670/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE
OF PETITION TILL REALIZATION.

THIS APPEAL, COMING ON FOR HEARING, 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 MR. JUSTICE S.G.PANDIT)

This appeal is by the Insurance Company under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'the Act') against the judgment and award dated 19.04.2023 in MVC No. 3680/2019 on the file of VI Addl. Judge Court of Small Causes and Addl. Chief Metropolitan Magistrate and MACT, Bengaluru (for short, 'the Tribunal') aggrieved by the saddling of 100% liability upon the insurance company as well the compensation awarded by the Tribunal.

2. The brief facts of the case are that the claimant No. 1 who is the wife and claimant Nos. 2 and 3 who are the children of the deceased filed a petition under Section 166 of the Act seeking compensation for the accidental death of one Sri. C Sidda Reddy on 12.02.2019, at about 5.20 p.m., involving motorcycle bearing Reg.No. AP-03-BJ-8096(driven by the deceased) and Lorry bearing Reg.No. NL-01-Q-0228(insured by the appellant herein)



near Central Dhaba, on Madanapalle-Angallu Road. The deceased was aged about 57 years at the time of the accident and earning Rs. 86,000/- p.m. working as a teacher at a government school.

3. Before the Tribunal, upon issuance of notice, learned counsel for respondent No.1 therein (owner of the lorry) and respondent No.2 (appellant herein) appeared before the Tribunal and respondent No. 2 filed their written statement contending that the accident occurred due to the contributory negligence of the deceased as well as denying the age and income of the deceased, and other claim petition averments, in toto. On behalf of the claimants, claimant No. 2 was examined as PW1 and another witness was examined as PW2, apart from marking Exs. P1 to P15. Whereas, on behalf of the insurance company, the legal manager was examined as RW1, apart from marking Exs. R1 and R2.



4. The tribunal upon examination of the material on record, saddled the entire liability upon the insurance company of the lorry and awarded the total compensation of Rs.67,30,670/- along with interest @ 6% pa under the following heads:

SI No.	Compensation under the Head	Amount
1.	Loss of dependency	Rs. 65,75,670/-
2.	Loss of estate	Rs. 15,000/-
3.	Funeral expenses	Rs. 15,000/-
4.	Transportation expenses	Rs. 5,000/-
5.	Loss of Consortium	Rs. 1,20,000/-
	TOTAL	Rs. 67,30,670/-

5. While coming to the afore-stated conclusion, the Tribunal assessed the annual income of the deceased at Rs.9,52,996/-, added 15% towards future prospects, deducted 1/3rd towards personal and living expenses of the deceased and adopted the multiplier of '09'.

6. Heard Sri. Ashok N Patil, learned counsel for the insurance company and Sri. Ramachandra Halinathota,



learned counsel for the claimants. Perused the entire appeal papers including the Trial Court records.

7. Learned counsel Sri. Ashok N Patil for the insurance company would submit that the accident occurred due to the negligence on the part of the deceased, as he was riding the same without wearing the helmet and in disregard to the vehicular movement of the lorry. It is submitted that, since the deceased was not wearing helmet and since the deceased succumbed due to head injuries, the learned Tribunal erred in attributing the entire negligence upon the driver of the lorry. It is submitted that the Tribunal erred in improperly deducting the income tax from the gross annual income of the deceased and that the same needs interference. Thus, it is prayed that the appeal filed by the insurance company be allowed to the above extent.

8. *Per contra*, learned counsel for the claimants Sri. Ramachandra Halinathota would submit that the



accident occurred solely due to the rash and negligent driving of the lorry. It is submitted that the Tribunal is justified in saddling the entire liability upon the appellant herein which requires no interference. Thus, it is prayed that the appeal filed by the insurance company be dismissed.

9. Having heard the learned counsel appearing for the parties and on perusal of the entire appeal papers including the Trial Court Records, the following points would arise for our consideration:

- i. *Whether the Tribunal is justified in attributing the entire negligence for the accident upon the driver of the lorry?*
- ii. *Whether the quantum of compensation granted by the Tribunal is just and proper?*

10. Answer to the point No.1 would be in the Affirmative and point No.2 would be partly in the Negative for the following reasons:



The accident that occurred on 12.02.2019, at about 5.20 p.m., involving motorcycle bearing Reg. No. AP-03-BJ-8096 (driven by the deceased) and Lorry bearing Reg. No. NL-01-Q-0228(insured by the appellant herein) near Central Dhaba, on Madanapalle-Angallu Road is not in dispute. However, the learned counsel for the insurance company has argued that the accident occurred due to the contributory negligence on the part of the deceased as he was not wearing a helmet at the time of the accident and that the deceased was riding the motor cycle in disregard to the vehicular movement of the lorry, whereas, the learned counsel for the claimants has argued that the accident has occurred solely due to the rash and negligent driving of the lorry.

11. Subsequent to the accident, an FIR came to be registered against the driver of the lorry, the contents of which would indicate that the driver of the lorry drove the lorry in a rash and negligent manner from Angalu towards Madanapalle side and, while trying to overtake the



motorcycle driven by the deceased, hit the motorcycle from behind which led to the deceased falling on the road and succumbing to the injuries sustained. The said FIR has culminated in a chargesheet being filed against the driver of the lorry as well. Moreover, PW1, i.e. claimant No. 2 in his chief examination has deposed that the accident occurred due to the rash and negligent driving of the lorry which led to the death of the deceased rider of the motorcycle. Nothing to the contrary has come out from the cross examination of PW1 as well as PW2. Moreover, the insurance company has neither examined the driver of the lorry nor examined any eye witnesses to prove that the accident occurred due to the negligent driving of the motorcycle by the deceased. Such being the evidence on record, the contention that the accident occurred due to the negligence on the part of the deceased deserves to be rejected.

12. Further, another contention urged on behalf of the insurance company is that the Tribunal erred in



attributing entire negligence upon the driver of the lorry, as the deceased, at the time of the accident was not wearing helmet and succumbed due to the injuries sustained to the head. As rightly noted by the Tribunal, the insurance company has not let in any evidence to prove that the deceased was not wearing helmet at the time of the accident. Moreover, it is a settled position of law that mere violation of statutory provisions such as not wearing helmet, would not by default attribute contributory negligence upon the rider of the motorcycle. In the instant case, even assuming that the deceased was not wearing helmet, that itself would not be a cause for the occurrence of the accident. Hence, the contention of the learned counsel for the insurance company regarding attributing contributory negligence for not wearing helmet cannot be accepted.

13. With regard to the compensation to be awarded, the learned counsel for the insurance company has submitted that the Tribunal has improperly deducted



the income tax from the annual income of the deceased. A perusal at Ex. P2- Salary Certificate of the deceased for the month of January 2019 would indicate that the deceased was earning gross salary of Rs.86,283/- p.m, i.e. Rs.10,35,396/- p.a. The Tribunal has deducted a sum of Rs.80,000/- as income tax and Rs.2,400/- as professional tax on an estimate basis. A perusal at the trial court records would indicate that the claimants have not produced the Income Tax Return for the relevant year. Moreover, no evidence has been let in by either of the parties pertaining to the ITR filed and the tax payable therein. In the absence of any evidence on record and since the difference in tax deducted by the Tribunal and tax payable by the deceased, if any, would be minimal, we do not deem it fit to interfere with the quantification of the compensation under the head 'Loss of Dependency', made by the Tribunal.

14. With regard to deductions to be made, since there are 3 dependents, the Tribunal has rightly deducted



1/3rd towards personal and living expenses of the deceased. A perusal at Ex. P7- Aadhar Card of the deceased would indicate that the deceased was aged '57' years at the time of the accident and hence, the Tribunal has rightly adopted the multiplier of '9' and added 15% towards future prospects of the deceased.

15. With regard to compensation to be awarded under the conventional heads, the Tribunal has rightly awarded Rs.1,20,000/- under the head 'Loss of Consortium' and Rs.15,000/- towards 'Loss of Estate'. However, as per the decision of the Hon'ble Apex Court in **NATIONAL INSURANCE COMPANY LIMITED VS. PRANAY SETHI & OTHERS** reported in **AIR 2017 SC 5157**, we deem it fit to award Rs.15,000/- in total under the head 'funeral expenses and transportation charges' rather than Rs.15,000/- and Rs.5,000/- awarded by the Tribunal independently under the heads 'Funeral expenses' and 'Transportation Charges', respectively. Thus, the



claimants shall be entitled for the following compensation:

Sl No.	Compensation under the Head	Amount
1.	Loss of dependency	Rs. 65,75,670/-
2.	Loss of estate	Rs. 15,000/-
3.	Funeral expenses and Transportation	Rs. 15,000/-
4.	Loss of Consortium	Rs. 1,20,000/-
	TOTAL	Rs. 67,25,670/-

16. Since the employer of the deceased has paid Rs.1,40,000/- to the claimants as 'Group Insurance' the claimants shall be entitled to compensation to the tune of **Rs.65,85,670/-** as against Rs.65,90,670/- awarded by the Tribunal, at the rate of 6% per annum from the date of petition till the date of realization.

17. In the result, we proceed to pass the following:

ORDER

- a) MFA No.5230/2023 filed by the insurance company is partly allowed.



- b) The impugned judgment and award of the Tribunal is modified holding that the claimants would be entitled to the compensation of **Rs.65,85,670/-** as against Rs.65,90,670/- awarded by the Tribunal.
- c) The entire compensation amount shall carry interest at the rate of 6% per annum from the date of petition till date of realization.
- d) The insurance company shall deposit the entire compensation amount with accrued interest before the Tribunal within four weeks from the date of receipt of certified copy of this judgment.
- e) Apportionment, deposit and disbursement shall be made as per the award of the Tribunal.



- f) The amount in deposit, if any, be transmitted to the concerned Tribunal forthwith along with Trial Court Records.
- g) Draw modified award accordingly.

Sd/-
(S.G.PANDIT)
JUDGE

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