



CNR: KAHC010482192023

- 1 -

NC: 2026:KHC:43756
MFA No. 6288 of 2023
C/W MFA No. 5844 of 2023
MFA No. 5845 of 2023
AND 1 OTHER

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.6288 OF 2023(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.5844 OF 2023(MV-I)

MISCELLANEOUS FIRST APPEAL NO.5845 OF 2023(MV-D)

MISCELLANEOUS FIRST APPEAL NO.6283 OF 2023(MV-I)

IN MFA No. 6288/2023

BETWEEN:

1. SAVITHA,
W/O JAYARAM K.V,
D/O MADHU VENKTAPPA,
AGED ABOUT 45 YEARS,
R/AT NO 2240, WARD NO 9,
T.G. TANK ROAD,
CHIKKBALLAPURA,
KARNATAKA - 562 101.
2. JAYARAM K.V.,
S/O LATE KRISHNAYYA K.V.,
AGED ABOUT 53 YEARS,
3. BHARATH BHUSHAN J.,
S/O JAYARAM K V
AGED ABOUT 23 YEARS,

ALL ARE R/AT NO 2240,
WARD NO 9,
T.G. TANK ROAD,
CHIKKBALLAPURA,
KARNATAKA - 562 101.

...APPELLANTS

(BY SRI. K.V. NAIK, ADVOCATE)

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



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AND 1 OTHER

AND:

1. M. MARAIAH,
S/O CHANDRAIAH,
MAJOR IN AGE,
R/AT NO 7-65/B,
MAAVATHURU,
V KOTA MANDAL,
JOWNIPALLE,
VENKATAGIRI KOTA, CHITTOR,
ANDRA PRADESH - 517 424.

(RC OWNER OF EICHER REG
NO. AP-03-TE-4920)

2. THE MANAGER,
CHOLAMANDALAM MS GENERAL
INS CO LTD,
OFFICE AT UNIT NO 4,
9TH FLOOR, LEVEL 6,
GOLDEN HEIGHT COMPLEX,
59TH 'C' CROSS, RAJAJINAGAR,
BENGALURU - 560 010.

(POLICY NO. 3379/01769218/000/03
FROM 26.08.2020 TO 25.08.2021)

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2,
VIDE ORDER DATED 06.10.2023 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:24.02.2023 PASSED IN MVC NO.2169/2021 ON THE
FILE OF THE XIII ADDITIONAL SMALL CAUSES AND ACMM AND
ADDITIONAL MACT, BENGALURU, (SCCH-15), PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.



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IN MFA NO. 5844/2023

BETWEEN:

THE MANAGER,
CHOLAMANDALAM MS GIC LIMITED,
UNIT NO 04, 9TH FLOOR,
LEVEL - 6, GOLDEN HEIGHTS COMPLEX,
59TH 'C' CROSS, RAJAJINAGAR,
BANGALORE - 560 010.

...APPELLANT

(BY SRI. PRADEEP B., ADVOCATE)

AND:

1. JEEVAN N @ JEEVANKUMAR,
S/O NARASIMHA MURTHY,
NOW AGED ABOUT 22 YEARS,
R/AT 12TH WARD, BAPUJI NAGAR,
CHIKKABALLAPURA,
KARNATAKA - 562 101.
2. M. MARAIAH,
S/O CHANDRAIAH,
MAJOR,
R/AT NO. 7-65/B,
MAAVATHURU,
V KOTA MANDAL, JOWNIPALLE,
VENKATAGIRI KOTA, CHITTOR,
ANDHRA PRADESH - 517 424.

...RESPONDENTS

(BY SRI. K.V. NAIK., ADVOCATE FOR R1,
VIDE ORDER DATED 24.08.2023 NOTICE TO R2
IS DISPENSED WITH)



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AND 1 OTHER

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,1988, AGAINST THE JUDGMENT AND AWARD DATED:24.02.2023 PASSED IN MVC NO.2170/2021 ON THE FILE OF THE XIII ADDITIONAL SMALL CAUSES JUDGE, ACMM, COURT OF SMALL CAUSES, MEMBER ADDITIONAL MACT-15, BENGALURU SCCH-15 AWARDDING COMPENSATION OF RS.7,23,900/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL DATE OF THE DEPOSIT OF THE AWARD AMOUNT.

IN MFA NO. 5845/2023

BETWEEN:

THE MANAGER CHOLAMANDALAM
M S GIC LIMITED,
UNIT NO.4, 9TH FLOOR,
LEVEL-6, GOLDEN HEIGHTS
COMPLEX, 59TH C CROSS,
RAJAJINAGAR,
BENGALURU - 560 010.

...APPELLANT

(BY SRI. PRADEEP B., ADVOCATE)

AND:

1. SAVITHA,
S/O JAYARAM K.V.,
D/O MUDHU VENKATAPPA,
AGED ABOUT 45 YEARS,
2. JAYARAM K.V.,
S/O LATE KRISHNAYYA K.V.,
AGED ABOUT 53 YEARS,
3. BHARATH BHUSHAN J,
S/O JAYARAM K .V.,
AGED ABOUT 23 YEARS,

ALL ARE R/A NO.2240,
WARD NO.9, T.G TANK ROAD,



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CHIKKABALLAPUR,
KARNATAKA - 562 101.

4. M. MARAIAH,
S/O CHANDRAIAH,
MAJOR
R/A NO.7-65/B,
MAAVATHURU
V KOTA MANDAL
JOWNIPALLE,
VENKATAGIRI KOTA,
CHITTOR,
ANDHRAPRADESH - 517 424

...RESPONDENTS

(BY SRI. K.V. NAIK., ADVOCATE FOR R1 TO R3,
VIDE ORDER DATED 24.08.2026 NOTICE TO R4
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV
ACT, AGAINST THE JUDGMENT AND AWARD
DATED:24.02.2023 PASSED IN MVC NO.2169/2021
ON THE FILE OF THE XIII ADDITIONAL SMALL CAUSES
JUDGE, ACMM, COURT OF SMALL CAUSES AND MEMBER,
MACT-15, BENGALURU (SCCH-15), AWARDING
COMPENSATION OF RS. 24,22,200/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL THE
DATE OF DEPOSIT OF THE AWARD AMOUNT.

IN MFA NO. 6283/2023

BETWEEN:

JEEVAN N @ JEEVAN KUMAR,
S/O NARASIMHA MURTHY,
AGED ABOUT 22 YEARS,
R/AT 12TH WARD,
BAPUJI NAGARA,
CHIKKABALLAPURA,
KARNATAKA - 562 101.

...APPELLANT

(BY SRI K.V. NAIK., ADVOCATE)



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MFA No. 5845 of 2023
AND 1 OTHER

AND:

1. M. MARAIAH,
S/O CHANDRAIAH,
AGED MAJOR,
R/AT NO.7-65/B, MAAVATHURU,
V KOTA MANDAL, JOWNIPALLE,
VENKATAGIRI KOTA, CHITTOOR,
ANDRA PRADESH - 517 424.

(RC OWNER OF EICHER REG.
NO. AP-03-TE-4920)

2. THE MANAGER, CHOLAMANDALAM
MS GENERAL INS CO. LTD.,
OFFICE AT UNIT NO. 4,
9TH FLOOR, LEVEL-04,
GOLDEN HEIGHT COMPLEX,
59TH 'C' CROSS, RAJAJINAGARA,
BENGALURU - 560 010.

(POLICY NO. 3379/01769218/000/03
FROM 26/08/2020
TO 25/08/2021)

...RESPONDENTS

(BY SRI. PRADEEP B.,ADVOCATE FOR R2,
VIDE ORDER DATED 22.09.2023 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV
ACT,1988, AGAINST THE JUDGMENT AND AWARD
DATED:24.02.2023 PASSED IN MVC NO.2170/2021 ON THE
FILE OF THE XIII ADDITIONAL SMALL CAUSES AND ACMM
AND ADDITIONAL MACT, BENGALURU, (SCCH-15), PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.



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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

These four appeals arising out of common judgment and award dated 24.02.2023 passed by XIII Additional Small Causes and ACMM and Additional Motor Accident Claims Tribunal, Bengaluru (SCCH-15)¹ in MVC.2170/2021 and MVC.2169/2021 by the claimants as well as Insurer.

2. The claimants filed MFA.No.6288/2023 and MFA No.6283/2023 seeking enhancement of the compensation, whereas the Insurer filed MFA.No.5844/2023 and MFA.No.5845/2023, seeking fastening negligence on the rider of the motorcycle, as he has also contributed to the accident.

¹ "Tribunal" for short



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3. Heard Sri.Naik Krishna Venkatraman, learned counsel for the claimants in all the appeals and Sri.B.Pradeep, learned counsel for Insurer in all the appeals.

4. Sri.Naik Krishna Venkatraman with all vehemence submits that the deceased was rider of the motor cycle and injured was a pillion. The offending vehicle Eicher bearing registration No.AP-03-TE-4920, dashed against the motor cycle bearing KA-40-EE-8763, from hind side, resulting in death and injuries of rider and pillion. The deceased rider succumbed to the injuries, whereas the pillion rider suffered severe injuries resulting in disability. He further submits that the deceased as well as injured were working as System operators/Computer and were earning Rs.18,000/- per month.

5. Learned counsel further submits that so far as the death case is concerned the Tribunal has awarded the inadequate compensation under the filial consortium and



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not at all awarded 10% escalation on conventional head from 2017. In that view of the matter, the compensation awarded requires reconsideration.

6. So far as injury case is concerned, he too was working as a System Operator and earning Rs.18,000/- per month. The injuries suffered were crush injury to left ankle, undisplaced left zygomatic angle fracture, left lateral wall fracture, multiple fracture of tibia and fibula (left). The doctor who has been examined as PW-4 has reiterated the grievous injuries and stated that the limb disability was 61% and the same when compared to whole body comes to 20%. He further submits that the claimant was in-patient for a period of 21 days and underwent surgeries for implants. The Tribunal has taken notional income of Rs.15,000/-, but not considered the limb disability stated by the doctor and awarded inadequate compensation and the same requires reassessment.



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7. Sri.B.Pradeep, learned counsel for the Insurer with all vehemence submits that on the fateful day the deceased, pillion along with another person were triple riding the motorcycle which is against the law. They were trying to overtake the vehicle, in that circumstances, got collided with the Eicher vehicle. He further submits that this fact has been elicited in the cross-examination of PW-1, wherein he has clearly admitted that they were three persons on the motor cycle. In that view of the matter, the Tribunal ought to have considered this aspect of the matter and fastened certain contributory negligence on the rider of the motor cycle and sought to allow the appeal by dismissing the appeal of the claimants.

8. Having considered the rival submissions, this Court perused all the appeal papers and trial Court record.

9. Firstly, so far as death claim is concerned. though the argument of Sri.Naik Krishna Venkatraman is appealable at the first blush, however, the perusal of



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documents clearly show that no documents have been produced to support the contention on the monthly income, though it was claimed that they were working as System Operators and studying in BCA. In the absence of any document to that effect, this Court is of the opinion that the Tribunal has properly considered the income fixed under the chart prepared by Karnataka State Legal Services Authority, i.e., R.15,000/- per month. However, this Court finds some force in the argument of Sri.Naik that the Tribunal in the teeth of evidence by the doctor stating that though 20% to the whole body disability, has considered only 10%. The same requires reconsideration when compared to the injuries suffered, in-patient period, treatment taken and the expenses incurred. This Court find force in the argument to consider the disability at 20% instead of 10% taken by the Tribunal. Accordingly, the injured claimant is entitled for following re-assessed compensation.



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Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain, shock and sufferings	75,000-00	75,000-00
2.	Loss of amenities	50,000-00	75,000-00
3.	Loss of income during the laid up period	45,000-00	60,000-00
4.	Attendant's charges, Extra diet and conveyance	27,000-00	27,000-00
5.	Medical expenses	2,02,900-00	2,02,900-00
6.	Loss of future income	3,24,000-00	6,48,000-00 (15,000x12x18x20%)
	TOTAL	7,23,900-00	10,87,900-00

10. Accordingly the injured claimant is entitled for reassessed compensation of Rs.10,87,900/- rounded off to **Rs.10,88,000/-**, which shall carry interest at the rate of 6% per annum from date of petition till realization.

11. So far death claim is concerned the Tribunal though has properly awarded compensation under the head loss of dependency, but erred in awarding compensation towards filial consortium and also in view of settled position of law, 10% escalation for each completed 3 years since 2017 on the conventional head. In the case hand, 10% escalation for one completed 3 years is



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admissible on the conventional head, since the date of accident is 22.02.2021.

12. Accordingly, the claimants are entitled for re-assessed compensation, which reads as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of consortium	40,000-00	1,20,000-00 (40,000x3)
2.	Loss of love and affection	50,000-00	-
3.	Loss of estate	15,000-00	15,000-00
4.	Funeral expenses	15,000-00	15,000-00
5.	Expenses of transportation of dead body	5,000-00	-
6.	Medical expenses	29,200-00	29,200-00
7.	Loss of Dependency	22,68,000-00	22,68,000-00
8.	10% escalation on one term of three completed years.	-	15,000-00
	TOTAL	24,22,200-00	24,62,200-00

13. Accordingly claimants are entitled for reassessed compensation of Rs.24,62,200/- rounded off to **Rs.24,63,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realization.



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14. So far as the contention of the Insurer is concerned, in view of the police document which clearly shows that the Eicher vehicle dashed against the motor cycle on its hind side. This Court is of the opinion that the evidence elicited, a stray admission by PW-1 cannot be considered, as according to principle of Evidence Act that the entire evidence is to be read as a whole along with the supporting documents. In that view of the matter there is no merit in the appeals filed by the Insurer. Accordingly both the appeals filed by the Insurer are dismissed.

15. For the foregoing reasons this Court proceeds to pass the following:

ORDER

- (i) MFA.No.5844/2023 and MFA.No.5845/2023
filed by the Insurer are dismissed.
- (ii) MFA.No.6288/2023 and MFA No.6283/2023
are allowed in part.



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- (iii) The judgment and award dated 24.02.2023 passed by the Tribunal in MVC.No.2169/2021 filed by the claimants is modified and re-assessed the compensation at **Rs.24,63,000/-**, which shall carry interest at the rate of 6% per annum from date of petition till realization.
- (iv) The judgment and award dated 24.02.2023 passed by the Tribunal in MVC.No.2170/2021 filed by the claimant is modified and re-assessed at **Rs.10,88,000/-**, which shall carry interest at the rate of 6% per annum from date of petition till realization.
- (v) The amount in deposit in both the appeals by the Insurer shall be transmitted to the concerned Tribunal for disbursement in respective claim petitions.



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- (iv) The Insurer of the offending vehicle shall deposit the entire re-assessed compensation, along with interest at the rate of 6% per annum from the date of petition till realization before the concerned Tribunal within six weeks from the date of receipt of copy of this order.
- (v) The apportionment and disbursement is as per the order passed by the Tribunal.
- (vi) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 13
ct-vn