



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 9124 OF 2017 (MV-D)

BETWEEN:

THE BRANCH MANAGER
THE TATA AIG GENERAL INSURANCE CO.LTD.,
R.O NO.15TH FLOOR TOWER A
PENNISULA BUSINESS POINT,
GANAPATH ROAD,
KADAM MARG, OFFICE SENAPAT,
BAPAT MARG, LOWER PAREL,
MUMBAI-400 013

THE MANAGER (LEGAL)
TATA AIG GENERAL INSURANCE CO.LTD.,
NO.69, 3RD FLOOR, J.P. AND
DEVI JAMBUKESHWARI ARCADE,
MILLERS ROAD, BANGALORE 01.

...APPELLANT

(BY SRI. PRADEEP B, ADVOCATE)

AND:

1. SMT PAVITHRA
W/O PUTTARAJU
NOW AGED ABOUT 32 YEARS
2. MASTER SHASHANK
S/O PUTTARAJU
NOW AGED ABOUT 11 YEARS

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH
COURT OF
KARNATAKA



3. KUM. THEJASWINI
D/O PUTTARAJU
NOW AGED ABOUT 6 YEARS
2ND & 3RD RESPONDENT IS
MINOR REP BY HIS MOTHER AS
NATURAL GUARDIAN RESPONDENT NO.1

ALL ARE R/AT THOOBINAKERE VILLAGE,
HIRISAVE HOBLI,
CHANNARAYAPATNA TALUK-573213

4. SRI. NANDEESHA P
S/O NAGARAJU P,
MAJOR,
R/AT NO.75/11, MAIN ROAD,
VYALLI KAVAI
BANGALORE-3

5. NANDEESHAPATTANASHETTY
S/O N. PATTANASHETTY,
R/AT NO.301, PAVANI FRIED,
KUNDALAHALLI GATE,
SATHSAI NAGAR,
MARATHAHALLI,
BANGALORE-560037

...RESPONDENTS

(BY SRI. VIJAY BELAWADI, ADVOCATE FOR R1
R2 & R3 ARE MINORS, REP BY HIS MOTHER -
GUARDIAN- R1 V/O DATED 15.9.2023
NOTICE TO R4 & R5 ARE DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 01.09.2017 PASSED IN MVC
NO.920/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE &
JMFC, CHANNARAYAPATNA, AWARDED COMPENSATION OF
RS.12,64,999/- WITH INTEREST AT 9% P.A. FROM THE DATE
OF PETITION TILL THE DATE OF REALIZATION.

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



CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

The present appeal is filed by the insurer calling in question the judgment and award dated 01.09.2017 passed by the Senior Civil Judge & JMFC, Channarayapatna,¹ in MVC No.920/2015.

2. Learned counsel for the insurer vehemently contends that the finding of the Tribunal on negligence is erroneous and liable to be interfered with. It is further contended that the quantum of compensation awarded under conventional heads is on the higher side.

3. It is forthcoming that the deceased an inmate of the goods Autorickshaw, whereas the appellant was the insurer of the offending car. The entire liability has been fastened on the driver of the car. The Tribunal, upon an adequate appreciation of the oral and documentary evidence on record has recorded a finding that the driver of the car was solely negligent in causing the accident. Criminal proceedings have also been initiated

¹ hereinafter referred to as 'Tribunal'



against the driver of the car. In view of the same, the finding of the Tribunal on negligence is not liable to be interfered with.

4. With regard to the quantum of compensation, upon a re-appreciation of the material on record it is forthcoming that the deceased was aged 38 years as on the date of accident i.e., 6.12.2014 and the Tribunal has assessed the income of the deceased at ₹7,500/-. The appropriate multiplier of 14 which is applied by the Tribunal is just and proper. The compensation towards loss of dependency is on the lower side since the income of the deceased has been assessed on the lower side.

5. Although it is the vehement contention of the learned counsel for the insurer that the quantum of compensation on conventional heads is excessive, upon a re-appreciation of the quantum of compensation, the total compensation awarded is just and proper. Hence, there is no ground to interfere with the total quantum of compensation that has been assessed by the Tribunal.

6. However, the learned counsel for the insurer is justified in contending that the interest awarded at 9% p.a., is



excessive. Accordingly, the interest awarded by the Tribunal is re-assessed as 6% p.a.

7. In view of the aforementioned, the following:

ORDER

- i. The above appeal is allowed in part;
- ii. The judgment and award dated 01.09.2017 passed by the Senior Civil Judge & JMFC, Channarayapatna, in MVC No.920/2015 is modified only to the extent of holding that the insurer is liable to pay the compensation awarded together with interest at 6% pa. The judgment and award of the Tribunal in all other respects remains unaltered;
- iii. The amount in deposit in the present appeal along with accrued interest be transmitted to the Tribunal together with records for disbursement of the compensation in terms of the award of the Tribunal;
- iv. The appellant shall deposit the balance compensation amount within a period of six weeks;
- v. The registry to draw the modified decree accordingly;
- vi. No costs.



HC-KAR

NC: 2026:KHC:5566
MFA No. 9124 of 2017

8. Pending applications, if any, stand disposed of.

Sd/-
(C.M. POONACHA)
JUDGE

ND

List No.: 1 SI No.: 4