



CNR: KAHC010621452023

NC: 2026:KHC:43107
MFA No. 8235 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.8235 OF 2023(MV-D)

BETWEEN:

SURAMMA,
W/O LATE BORAPPA,
AGED ABOUT 61 YEARS,
HOUSEHOLD WORK,
R/O JAMMAPURA VILLAGE,
JAGALUR TALUK – 577 528.
DAVANAGERE DISTRICT.

...APPELLANT

(BY SRI. R. SHASHIDHARA., ADVOCATE)

AND:

1. NEELAPPA,
S/O MALLAPPA,
AGED ABOUT 55 YEARS,
DRIVER OF TRAILER
BEARING NO KA-17/TD-5840
AND KA-17/T-8660,
R/O THORANAGATTE VILLAGE,
JAGALUR TALUK – 577 528.
DAVANAGERE DISTRICT.
2. RAMALINGAPPA K,
S/O KALLAPPA,
AGED ABOUT 67 YEARS,
OWNER OF TRACTOR

Digitally
signed by
REKHA R
Location:
High Court of
Karnataka



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BEARING NO. KA-17/TD-5840,
R/O JAMMAPURA VILLAGE,
JAGALUR TALUK – 577 528.
DAVANAGERE DISTRICT.

3. THE LEGAL MANAGER,
ICICI LOMBARD GENERAL
INSURANCE CO LTD.,
ABOVE HERO HONDA
SHOWROOM, 2ND FLOOR,
NEAR BANNIGIDA, GOKUL ROAD,
HUBLI – 580 030.
4. JAYAMMA,
W/O LATE RAMAPPA,
AGED ABOUT 78 YEARS,
OWNER OF TRAILER
BEARING NO KA-17/T-8660,
R/O JAMMAPURA VILLAGE,
JAGALUR TALUK – 577 528.
DAVANAGERE DISTRICT.
5. THE LEGAL MANAGER,
IFFCO TOKIO GENERAL
INSURANCE LTD.,
LAWYER ROAD,
K.B. EXTENSION,
DAVANAGERE – 577 002.

...RESPONDENTS

(BY SRI.B.C. SHIVANNE GOWDA, ADVOCATE FOR R3,
SRI. B. PRADEEP, ADVOCATE FOR R5,
VIDE ORDER DATED 05.01.2024 NOTICE TO R1, R2
AND R4 ARE DISPENSED WITH)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,1988, AGAINST THE JUDGMENT AND AWARD DATED:31.07.2023 PASSED IN MVC NO.205/2020 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, V MACT, DAVANAGERE, SITTING AT JAGALUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

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

ORAL JUDGMENT

This appeal by claimant No.1 seeking enhancement of compensation, arising out of Judgment and Award dated 31.07.2023 passed by the I Addl. Senior Civil Judge and Member, V MACT, Davanagere, sitting at Jagalur¹, in MVC No.205/2020.

¹ 'the Tribunal', for short



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2. Unfortunately, claimant No.2 Borappa S/o.Dasappa – father of deceased Obalesha, died during the pendency of the claim petition, before the Tribunal on 07.05.2023. However, the fact remains that he was alive at the time of filing of the claim petition.

3. Heard, Sri.R.Shashidhara, learned counsel appearing for the claimant, Sri.B.C.Shivanne Gowda, learned counsel appearing for respondent No.3 - Insurer and Sri.B.Pradeep, learned counsel appearing for respondent No.5 - Insurer.

4. Sri.R.Shashidhara, learned counsel appearing for the claimant on short point submits that the Tribunal has deducted the personal expenses twice, which is not permissible in law. He also submits that the Tribunal though awarded compensation under the head 'loss of consortium', erred in awarding the same only to mother. The Tribunal ought to have awarded parental consortium



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to the father who was alive at the time of filing of the petition.

5. These contentions though opposed, but not seriously disputed by both counsel appearing for the Insurers respectively.

6. A perusal of the Judgment and award passed by the Tribunal clearly depicts that, the Tribunal has deducted personal expenses twice, which is not permissible in law and also erred in not awarding parental consortium to the father, who was alive at the time of filing of the claim petition. Further, in view of law laid down by the Hon'ble Supreme Court, the claimant is also entitled for 10% escalation on the compensation awarded under conventional heads, for every completed three years since 2017. In the present case, the accident occurred in the year 2019. Hence, the claimant is entitled for 20% escalation on conventional heads. Accordingly, this Court



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proceeds to re-assess the compensation, which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of Dependency	9,07,200-00	21,16,800-00 (14,000+40% $\times$ 12 $\times$ 18 $\times$ 50%)
2.	Loss of estate	15,000-00	15,000-00
3.	Loss of consortium	30,000-00	80,000-00 (40,000 $\times$ 2)
4.	Funeral expenses	25,000-00	15,000-00
5.	Love and affection	15,000-00	-
6.	10% escalation on conventional heads for every completed three years.	-	22,000
	TOTAL	Rs.9,92,200-00	Rs.22,48,800-00

7. The claimant is entitled for enhanced compensation of **Rs.12,56,600/-** rounded off to **Rs.12,57,000/-** (22,48,800 – 9,92,200), which shall carry interest @ 6% per annum from the date of petition till realization.

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

ORDER

(i) The appeal is ***allowed in part.***



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- (ii) The Judgment and Award dated 31.07.2023 passed by Tribunal in M.V.C.No.205/2020 is modified and the compensation is reassessed.
- (iii) Claimant No.1 is entitled for enhanced compensation of **Rs.12,57,000/-** with interest @ 6% per annum from the date of petition till realization.
- (iv) Respondent Nos.3 and 5 – Insurer shall deposit the enhanced compensation along with interest supra equally before the concerned Tribunal, within six weeks from the date of receipt of certified copy of this order.
- (v) Upon deposit, 50% shall be released in favor of the claimant No.1 Smt.Suramma on proper identification and balance 50% shall be deposited in any interest bearing



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FDR with any nationalized Bank for a period of five years.

- (vi) The Bank shall not permit any loan without an order by the Tribunal/ Court.
- (vii) The Trial Court Record secured if any, shall be transmitted forthwith to the concerned Tribunal.
- (viii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 27
ct-vn