



CNR: KAHC010733002025

NC: 2026:KHC:51289
MFA No. 8355 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8355 OF 2025

(MV-D)

BETWEEN:

SBI GENERAL INSURANCE COMPANY LIMITED
OFFICE AT: 1ST FLOOR 3/1
RUKMINI TOWERS
PLATFORM ROAD
SHESHADRIPURAM BANGALORE-560 020.
NOW REP. BY THE MANAGER.

...APPELLANT

(BY SRI A N KRISHNA SWAMY, ADVOCATE)

AND:

Digitally signed
by

PADMASHREE
SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA

1. SMT. SHARADAMMA
W/O LATE SHIVANANDA
AGED ABOUT 56 YEARS.
2. KUSUMA S
D/O LATE SHIVANANDA
AGED ABOUT 20 YEARS.
3. NAGARAJA D
S/O DORSWAMY
AGED ABOUT 65 YEARS

ALL ARE R/AT MADIKERE



NC: 2026:KHC:51289
MFA No. 8355 of 2025

CNR: KAHC010733002025

DODDAGANJUR, CHIKKABALLAPUR
KARNATAKA-563 125.

4. MADHU V
S/O VENKATESHA G
RESIDING AT WARD No.06, PRASAD ROAD
SRINIVASAPURA TOWN, KOLAR DISTRICT
KARNATAKA-563 135.

...RESPONDENTS

(BY SRI BHOJARAJA, ADVOCATE FOR C/R1 TO R3
NOTICE TO R4 IS D/W V/O DTD. 23.04.2026)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:01.09.2025 PASSED IN MVC No.6730/2024 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7 BENGALURU SCCH-7 AWARDED COMPENSATION OF Rs.13,59,384/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/insurer challenging the judgment and award dated 01.09.2025 passed in MVC No.6730/2024 by the IX Additional Small Causes Judge, Court of Small Causes, Member, MACT-7, Bengaluru (SCCH-7).



CNR: KAHC010733002025

NC: 2026:KHC:51289
MFA No. 8355 of 2025

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant/insurer and learned counsel for respondent Nos.1 to 3.

3. Respondent Nos.1 to 3 made a claim petition praying to award compensation for the death of Sri Shivananda (husband of claimant No.1, father of claimant No.2 and brother of claimant No.3) in a road traffic accident occurred on 05.09.2024 contending that the accident occurred due to rash and negligent driving of the driver of tipper lorry bearing registration No.KA-40-5889. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	11,20,056/-
02.	Funeral expenses	19,000/-
03.	Loss of estate	19,000/-
04.	Loss of filial consortium	1,01,328/-
05.	Loss of love and affection	1,00,000/-
Total		13,59,384/-



4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed appellant/insurer to deposit the award amount with interest. The appellant/insurer has challenged the quantum of compensation awarded by the Tribunal.

5. Heard learned counsel for the appellant/insurer and learned counsel for respondent Nos.1 to 3.

6. Learned counsel for the appellant/insurer would contend that the certificate issued by Darshini Fast Food as per Ex.P17 is in hand-writing and owner has been examined as PW.2. But no documents are produced for having paid salary of Rs.20,000/- to the deceased namely bank account statement etc. Therefore, the Tribunal ought to have taken the notional income fixed for the year 2024. He further submits that since consortium is awarded the claimants are not entitled for loss of love and affection awarded by the Tribunal in a sum of Rs.1,00,000/-. With this he prayed to allow the appeal.



CNR: KAHC010733002025

7. Learned counsel for respondent Nos.1 to 3/claimants would contend that deceased was working as a cashier in Sri Darshini Fast Food and certificate to that effect has been produced at Ex.P17. The author of Ex.P17 has been examined as PW.2 who has given evidence to the effect that he used to pay Rs.20,000/- to the deceased. Considering the said aspect, the Tribunal has rightly taken the income of the deceased at Rs.20,000/- p.m. With this he prayed to allow the appeal.

8. Having heard the learned counsels, the Court has perused the judgment, award and other materials placed on record.

9. The accident occurred on 05.09.2024 and as on the date of accident the deceased was aged 62 years. The deceased was working as a cashier in Sri Darshini Fast Food. Ex.P17 is the certificate issued by Darshini Fast Food which indicate that deceased was working as a cashier and getting salary of Rs.20,000/- p.m. PW.2 is the



CNR: KAHC010733002025

author of Ex.P17 and he has given evidence to the effect that deceased was working as a cashier and getting salary of Rs.20,000/- p.m. Considering the said evidence, the Tribunal has rightly taken income of the deceased at Rs.20,000/- p.m.

10. The Tribunal has awarded consortium to claimant Nos.1 and 2 who are the wife and daughter of deceased. In spite of award of consortium, the Tribunal has awarded a sum of Rs.1,00,000/- towards loss of love and affection. As consortium is awarded, the claimants are not entitled to compensation for loss of love and affection in a sum of Rs.1,00,000/-. In view of the above, the compensation awarded by the Tribunal has to be reduced by Rs.1,00,000/-. Therefore, the total compensation is Rs.12,59,384/- and the claimants are entitled to the said compensation with interest @ 6% p.a. from the date of petition till realization.



CNR: KAHC010733002025

11. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) Respondent Nos.1 to 3/claimants are entitled to total compensation of Rs.12,59,384/- as against Rs.13,59,384/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization.
- iii) The appellant/insurer shall deposit the said compensation with interest before the Tribunal within a period of six weeks from this day including the amount already deposited.
- iv) The claimants are entitled to release of compensation in terms of the award passed by the Tribunal.



NC: 2026:KHC:51289
MFA No. 8355 of 2025

CNR: KAHC010733002025

- v) The amount in deposit is ordered to be transmitted to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 44
Ct.sm