HC-KAR

NC: 2026:KHC:60115
MFA No. 2565 of 2022
C/W MFA No. 1733 of 2022

CNR: KAHC010128532022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 2565 OF 2022

(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 1733 OF 2022

(MV-D)

IN MFA No. 2565/2022

BETWEEN:

1. SRI. SRINIVASA POOJARI,
   AGED ABOUT 33 YEARS,
   S/O SHIVA POOJARI,
   R/AT NO.56, GAJANNA NAGARA,
   HEGGANAHALLI CROSS,
   PEENYA 2ND STAGE,
   BENGALURU – 560 058.

   PERMANENT ADDRESS:
   NO.2/182, SHAMBU HOUSE,
   NJJADI VILLAGE,
   KUNDAPURA TALUK,
   UDUPI DISTRICT - 560 058.

   …APPELLANT

(BY SRI. NAGARAJA REDDY D., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR,

Digitally signed by SUSHMA LAKSHMI B S
Location: High Court of Karnataka

VRL LOGISTICS LTD.,
AEGD AND ADM OFFICE,
NH-4, BENGALURU ROAD,
VARUR HOBLI,
ARALIKATTI - 581 207.

2. THE NEW INDIA ASSURANCE COMPANY LTD.,
NO.301, 2-B UNITY BUILDING ANNEX,
11TH A CROSS, P KALINGA RAO ROAD,
MISSION ROAD,
BENGALURU - 560 027.
REP. BY ITS MANAGER.

3. SMT. PRAMEELA,
AGED ABOUT 42 YEARS,
W/O NAGANNA,
R/AT KENCHANAHALLI VILLAGE,
SATHENAHALLI POST,
HASSAN TALUK AND DISTRICT – 573 111.

4. SRI. NAGANNA,
AGED ABOUT 45 YEARS,
S/O LATE CHANNEGOWDA,
R/AT KENCHANAHALLI VILLAGE,
SATHENAHALLI POST,
HASSAN TALUK AND DISTRICT – 573 111.

…RESPONDENTS

(BY SRI. RAVI S. SAMPRATHI., ADVOCATE FOR R2;

SRI. GIRISH B. BALADARE., ADVOCATE FOR R3 & R4;

NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 13.12.2021, PASSED IN

MVC.NO.725/2018, ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSES JUDGE AND A.C.M.M., ADDITIONAL M.A.C.T. AT BENGALURU (SCCH-23), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 1733/2022

BETWEEN:

1. PRAMEELA,
   AGED ABOUT 40 YEARS,
   W/O NAGANNA,
   R/O AT KENCHANAHALLI VILLAGE,
   SATHENAHALLI POST,
   HASSAN TALUK AND DISTRICT – 573 201.

2. SRI. NAGANNA,
   AGED ABOUT 45 YEARS,
   S/O LATE CHANNEGOWDA,
   R/O AT KENCHANAHALLI VILLAGE,
   SATHENAHALLI POST,
   HASSAN TALUK AND DISTRICT – 573 201.

...APPELLANTS

(BY SRI. GIRISH B. BALADARE., ADVOCATE)

AND:

1. SRI. SRINIVAS POOJARI,
   S/O SHIVA POOJARI,
   AGED ABOUT 29 YEARS,
   R/O 56 GAJANANA NAGARA,,
   HEGGANAHALLI CROSS,

PEENYA 2ND STAGE,
BANGALORE – 560 058.

PERMANENT ADDRESS:
NO.2/182 SHAMBU HOUSE,
NUJADI VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT – 576 233.

2. THE MANAGING DIRECTOR,
VRL LOGISTICS LTD.,
REGD. AND ADMN. OFFICE,
NH-4, BENGALURU ROAD,
VARURU HOBLI,
ARALIKATTI – 581 27.

3. THE NEW INDIA ASSURANCE CO. LTD.,
NO.301, 2-B UNITY BUILDING ANNEX,
11TH A CROSS, P KALINGA RAO ROAD,
MISSION ROAD,
BENGALURU – 560 027.

...RESPONDENTS

(BY SRI. D. NAGARAJA REDDY., ADVOCATE FOR R1;
SRI. RAVI S. SAMPRATHI., ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THEJUDGMENT AND AWARD DATED 13.12.2021, IN MVC.NO.725/2018, ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSE JUDGE AND A.C.M.M., ADDITIONAL M.A.C.T. AT BENGALURU, (SCCH-23), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL/CAV JUDGMENT

1. The appellants are before this Court being aggrieved by the judgment and award dated 13.12.2021 passed in MVC.No.725/2018 pending on the file of the XXI Addl. Small Causes and Addl. MACT, Bangalore, seeking enhancement of compensation.

Factual matrix of the case:

2. On 21.12.2017 at about 04:05 p.m., Smt. Sushmitha K.N., was proceeding as a rider on TVS Jupiter Scooter from Jai Munirao Circle towards KSB junction. When she reached in front of Raheja apartments, Magadi Road, a lorry bearing registration No.KA-25-A-3209 came in a rash and negligent manner dashed her scooter to its rear side. As a result, she was thrown out from her vehicle and the left side rear wheel of the lorry ran over her right shoulder. Consequently, she died on the spot. Post mortem was conducted at Victoria Hospital, Bangalore.

Thereafter, the legal representatives are approached the Tribunal by filing the claim petition. The claim petition was allowed and compensation of Rs.13,70,000/- along with interest at the rate of 6% per annum was awarded. The apportionment was made by the Tribunal to distribute the compensation among the legal representatives.

3. Heard learned counsel for the respective parties.

4. Learned counsel for the appellant in MFA.NO.2565/2022 submits that while calculating the compensation under the head of loss of dependency the tribunal has taken the income of the deceased as Rs.8,000/- per month, which is on lower side and other conventional heads are required to be enhanced in terms of the settled principle of law. Hence, the compensation is required to be modified accordingly. Making such submissions learned counsel for the appellant in MFA.NO.2565/2022 prays to allow the appeal.

5. Learned counsel for the appellants in MFA.NO.1733/2022 submits that, in addition to seeking enhancement of compensation the relationship of the appellant in MFA.NO.2565/2022 also disputed. The learned counsel for the appellant disputed the jural relationship of Srinivasa Poojary and the deceased as husband and wife and he prays to dismiss the appeal filed by the said Srinivasa Poojary for enhancement and prays to allow his appeal.

6. *Per Contra*, the learned counsel representing the respondent Insurance Company vehemently justified the award passed by the Tribunal and prays to dismiss these appeals.

7. Having heard learned counsel for the respective parties and also on perusal of the findings of the Tribunal in awarding the compensation the parents of the deceased had raised objection after being impleaded that Srinivasa Poojary was not the husband of the deceased. The

Tribunal has framed the issue No.2 and discussed that the said Srinivasa Poojary has produced wedding card, marriage certificate and marriage photos and also C.D., which are exhibited as Ex-P13 to P.16. Even though, he has been cross-examined extensively, nothing has been elicited to discard his evidence. Therefore, his evidence was accepted and apportionment was made. Hence, the contention of the learned counsel in MFA.NO.1733/2022 has been rejected.

8. As regards the quantum of the compensation is concerned, the accident occurred in the year 2017. The Tribunal while calculating the loss of dependency considered the income of the deceased as Rs.8,000/- which is contrary to the settled position of law. It should have been Rs.11,000/- per month as per the guidelines. Therefore, the compensation is required to be re-determined under the changed circumstances which reads as under:

Sl. No.	Heads	Tribunal	This Court
01.	Loss of dependency (11,000 + 40% - 1/3rd x 12 x 18)	12,10,000	22,17,600
02.	Loss of consortium	1,20,000	1,20,000
03.	Loss of estate	20,000	20,000
04.	Funeral expenses	20,000	20,000
	Total	**13,70,000**	**23,77,600**

9. The enhanced amount carries 6% interest from the date of petition till its realisation.

10. In the light of the observations made above, I proceed to pass the following:-

ORDER

i. The appeals are ***allowed in part***.

ii. The judgment and award dated 13.12.2021 passed in MVC.No.725/2018 pending on the file of the XXI Addl. Small Causes and Addl. MACT, Bangalore, is modified, granting compensation of Rs.23,77,600/- as against Rs.13,70,000/- awarded by the Tribunal is modified.

iii. The appellants in MFA.No.1733/2022 are entitled to have 30% of enhanced compensation.

iv. The appellant in MFA.NO.2565/2022 is entitled to have 70% of enhanced amount.

v. The Insurance Company is directed to deposit the entire amount within a period of eight (08) weeks from the date of receipt of this order along with interest at the rate of 6% per annum failing which the enhanced

compensation will carry interest at the rate of 9%.

vi. The Registry is directed to communicate the order to the Tribunal and send the records to the Trial Court forthwith.

Sd/-
(S RACHAIAH)
JUDGE

NM/-
List No.: 1 Sl No.: 31