HC-KAR

NC: 2026:KHC:62248
MFA No. 1550 of 2025

CNR: KAHC010140472025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1550 OF 2025

(MV-D)

BETWEEN:

THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE COMPANY LTD.,
CHIKKAMAGALURU BRANCH.
NOW REP BY THE MANAGER.
RELIANCE GENERAL INSURANCE COMPANY LTD.,
No.28, 5TH FLOOR, SOUTHERN PORTION EAST WING
CENTENARY BUILDING, M.G. ROAD
BANGALORE-560 001.

...APPELLANT

(BY SRI ASHOKA H, ADVOCATE FOR
SRI PRADEEP B, ADVOCATE)

AND:

1. SMT. RADHA K H
   W/O. LATE K.T. PRADEEPA
   AGED ABOUT 32 YEARS.

2. MASTER K P MAHANTHESHA
   S/O LATE K T PRADEEPA
   AGED ABOUT 13 YEARS.

3. MASTER K P DHANUSH
   S/O LATE K T PRADEEPA
   AGED ABOUT 11 YEARS.

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JUDGE, HIGH COURT OF KARNATAKA

SINCE 2ND & 3RD RESPONDENT ARE MINORS
WILL BE REPRESENTED BY THE N/G AND
MOTHER SMT. RADHA K H

4. K M THIMMAPPA
S/O LATE MALLAPPA
AGED ABOUT 60 YEARS.

ALL ARE R/O KEDIGERE VILLAGE
HIRENALLUR POST, HIRENALLUR HOBLI
KADUR TALUK, CHIKKAMAGALURU DISTRICT.

5. NAGARAJ. L.,
S/O. LAKSHMANAPPA
AGED ABOUT 44 YEARS
R/O. WARD No.11,
OPP TO T.M.C.
C.P.C. COLONY, KADUR TOWN
KADUR TALUK.

6. NAGARAJAPPA.B
S/O. BASAPPA
AGED ABOUT 60 YEARS
R/O. BESIDE PARAMMASWAMY MUTT
GADIHALLI VILLAGE, TARIKERE TALUK.

…RESPONDENTS

(BY SRI HARSHA G, ADVOCATE FOR
SRI. SACHIN B S, ADVOCATE FOR R1-R4
R5 & R6- SERVED AND UNREPRESENTED
(R2 AND R3 MINOR REP. BY R1))

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:21.12.2024 PASSED IN MVC No.163/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, KADUR, CHKKAMAGALURU DISTRICT, AWARDING COMPENSATION OF Rs.32,35,357/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the Insurer challenging the judgment and award dated 21.12.2024 passed in MVC No. 163/2020 by the Senior Civil Judge and MACT, Kadur.

2. Respondent Nos. 1 to 4 – claimants made a claim petition praying to award compensation for the death of K.T. Pradeepa (husband of claimant No. 1, father of claimant Nos. 2 and 3 and son of claimant No. 4) in a road traffic accident that occurred on 30.01.2019 due to the rash and negligent driving by the driver of Autorickshaw bearing registration No. KA-66-1433. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

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1	Loss of dependency	Rs.29,98,800/-
2	Loss of Estate	Rs.18,000/-
3	Loss of Consortium	Rs.1,92,000/-
4	Towards funeral and transport expenses	Rs.18,000/-
5	Towards medical bills	Rs.8,557/-
	Total	**Rs.32,35,357/-**

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed appellant – Insurer (respondent No. 3 before the Tribunal) to deposit the said award amount with interest. Appellant – Insurer, challenging the liability fastened on it and also challenging the quantum of compensation awarded has filed the present appeal.

4. Heard learned counsel for appellant – Insurer and learned counsel for respondent Nos. 1 to 4 – claimants.

5. Learned counsel for appellant – Insurer would contend that the insured vehicle - Autorickshaw bearing

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registration No. KA-66-1433 was not having permit to run in Kadur taluk where the accident has occurred. Therefore, there is violation of policy conditions and appellant – Insurer is not liable to pay the compensation awarded. He further submits that claimant No. 4 – father of the deceased is aged about 55 years as on the date of accident and he is not dependent on the deceased. Therefore, deduction is to be taken at 1/3rd as against 1/4th taken by the Tribunal. With this, he prayed to allow the appeal.

6. Learned counsel for respondent Nos.1 to 4 – claimants would contend that the insurer has not established that there is no valid permit to ply the insured vehicle in Kadur taluk. No such contention was taken in the written statement filed by the Insurer. He further contends that claimant No. 4 is the father of the deceased, he is an aged person and was dependent on the deceased. Considering the same, the Tribunal has rightly deducted

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1/4th towards the personal expenses of the deceased. With this, he prayed to dismiss the appeal.

7. Having heard learned counsel for the parties the Court has perused the judgment, award and trial Court records.

8. The accident occurred on 30.01.2019 near Thuruvanahalli Nirvanaswamy Mutt on Thuruvanahalli – Hirenallur, NH-153 road. Learned counsel for appellant – Insurer would contend that the accident occurred in Kadur and there was not permit for the insured Autorickshaw bearing registration No. KA-66-1433. Learned counsel for appellant – Insurer would contend that the accident occurred in Kadur and there was permit for the insured Autorickshaw to ply in Kadur and in Ex.P.7 – Motor Vehicle Accident Inspection Report, in column No. 8, it is mentioned that the authority which had issued the permit is ARTO, Tarikeren and it is not issued by transport authorities of Kadur. R.W.1 – Officer of the appellant –

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Insurer has stated in his evidence affidavit that the Autorickshaw bearing registration No. KA-66-1433 had permit to run in Tarikere taluk limits only and the accident has taken in Kadur taluk and therefore there is violation of permit conditions. On perusal of the objection statement filed by the appellant – Insurer (respondent No. 3 before the Tribunal) no such contention was taken. Therefore, said evidence of R.W.1 is without any pleading. It is trite law that, any evidence without pleading is no evidence. More so, appellant – Insurer has not examined any of the officials of the Road Transport Authority to establish that the Autorickshaw had no permit to ply on the roads in Kadur taluk. Therefore, said ground urged by the appellant's counsel has no basis at all and therefore, it is rejected.

9. Claimant No.1 is the wife, claimant Nos.2 and 3 are minor children and claimant No. 4 is the father of the deceased who was aged about 55 years as on the date of accident. In claim petition there is no mention about

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claimant No. 4 being dependent on the deceased. Even P.W.1 (wife of the deceased) has not stated that claimant No. 4 was dependent on the deceased. Considering the said aspect claimant No. 4 was not dependent on the deceased and only claimant Nos. 1 to 3 were dependents on the deceased. Therefore, deduction is to be taken at 1/3rd as against 1/4th taken by the Tribunal. The Tribunal has taken the income of the deceased at Rs.14,000/- per month and applied multiplier `17'. In view of the same, loss of dependency is calculated as under:

14,000 X 12 = Rs.1,68,000/-

1,68,000 – 1/3rd = Rs.1,12,000/-

1,12,000 X 17 = 19,04,000/-

19,04,000 + 40% = Rs.26,65,600/-

10. Claimants are entitled to loss of dependency in a sum of Rs.26,65,600/- as against Rs.29,98,800/- awarded by the Tribunal. Consequently compensation is to be reduced by Rs.3,33,200/-. In view of the same,

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claimants are entitled to total compensation of Rs.29,02,157/- (Rs.32,35,357 – Rs.3,33,200) with interest at the rate of 6% p.a. from the date of petition till the date of realization. Appellant – Insurer (respondent No. 3 before the Tribunal) is liable to pay the said compensation amount with interest.

11. In view of the above, the following;

O R D E R

a. Appeal is allowed in part.

b. Claimants are entitled to total compensation of Rs.29,02,157/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c. Appellant – Insurer (respondent No.3 before the Tribunal) shall deposit the compensation amount with interest before the Tribunal within six weeks from this day including the amount already deposited.

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d. Amount in deposit is ordered to be transmitted to the Tribunal.

e. Share of claimants in the compensation awarded and order of deposit and release passed by the Tribunal remain unaltered.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 20
Ct.sm