HC-KAR
CNR: KAHC010163822018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.7610 OF 2018(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.7024 OF 2017(MV-D)

MISCELLANEOUS FIRST APPEAL NO.7025 OF 2017(MV-D)

MISCELLANEOUS FIRST APPEAL NO.7026 OF 2017(MV)

MISCELLANEOUS FIRST APPEAL NO.7027 OF 2017(MV-DM)

MISCELLANEOUS FIRST APPEAL NO.7028 OF 2017(MV-DM)

MISCELLANEOUS FIRST APPEAL NO.7029 OF 2017(MV-D)

MISCELLANEOUS FIRST APPEAL NO.7608 OF 2018(MV-D)

MISCELLANEOUS FIRST APPEAL NO.7611 OF 2018(MV-D)

MISCELLANEOUS FIRST APPEAL NO.7612 OF 2018(MV-I)

MISCELLANEOUS FIRST APPEAL NO.7613 OF 2018(MV-D)

IN MFA NO.7610/2018:

BETWEEN

1 . SMT.MAITRAMMA
W/O SRI SUBHASH,
AGE 27 YEARS,
OCC:HOUSEWIFE,
R/AT HASANAPUR. PARTHABAD POST,
JEVARGI TALUK,
GULBARGA DIST - 585 350.

2 . SRI MARIYAMMA @ LAKSHMI
W/O MALLAPPA,
AGE: 28 YEARS,
OCC:HOUSEWIFE,
R/AT SHAKAPURA S HEMNOOR,
SHORAPUR, YADGIR DIST-585224.

3 . SMT.PALLAVI
W/O MALLAPPA PUJARI,

Digitally signed by ANUSHA V
Location: High Court of Karnataka

MAJOR
R/AT MADARA B TALUK,
VRUSHABHAVATHI NAGAR,
AFZALPUR, KALABURAGI DIST-585 265.

PRESENT ADDRESS OF A1 TO A3 NO.123,
6TH CROSS, 6TH MAIN, J.C.NAGAR,
KURUBARAHALLI, BENGALURU - 560 086.

SINCE PETITIONER NO.4 DIED ON 29.10.2016
HAS NOT MADE AS PARTY AND THE APPELLANTS
(1 TO 3) ARE THE ONLY LRs OF DECEASED OF
VIJAYALAKSHMI.

…APPELLANTS

[BY SRI SURESH M LATUR, ADVOCATE (PH)]

AND:

1 . SRI RAVIKUMAR
S/O MUNIYAPPA, MAJOR,
R/AT NO.123,
NEAR GOVT.SCHOOL ROAD,
JAKKUR VILLAGE POST,
BENGALURU - 560 064.

2 . THE MANAGER
THE ORIENTAL INSURANCE CO LTD.,
NO.44/45, LEO COMPLEX,
RESIDENCY ROAD CROSS,
BENGALURU - 560 025.

3 . SMT.KAMAKSHAMMA
W/O LATE SHANKARAPPA,
R/AT NO.126,
NEAR SRI GANESHA TEMPLE,
KAMAKSHIPALYA,
BENGALURU - 560 079.

…RESPONDENTS

[BY SRI H.S.LINGARAJ, ADVOCATE FOR R1 (PH);
SMT.RAJESHWARI M., ADVOCATE FOR R1;
SMT.HARINI SHIVANAND, ADVOCATE FOR R2;

SRI SATISHA T., ADVOCATE FOR R3]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC NO.4849/2016 ON THE FILE OF THE PRINCIPAL MACT, MEMBER, BENGALURU (SCCH-1), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO.7024/2017:

BETWEEN:

THE REGIONAL MANAGER
THE ORIENTAL INSURANCE CO. LTD
REGIONAL OFFICE,
LEO SHOPPING COMPLEX,
44/45 RESIDENCY ROAD,
BANGALORE - 560 025.

...APPELLANT

[BY SMT.HARINI SHIVANANDA, ADVOCATE]

AND:

1 . MAITRAMMA
W/O SRI SUBASH,
AGED ABOUT 26 YEARS,
R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK,
GULBARGA DISTRICT - 585 101.

2 . SMT.MARIYAMMA @ LAKSHMI
AGED ABOUT 25 YEARS,
W/O MALLAPPA
R/AT SHAKAPURA S.H.
HEMNOOR, SHORAPUR,
YADGIR DISTRICT - 585 201.

3 . SMT.PALLAVI
W/O MALAPPA PUJARI, MAJOR
R/AT MADARAB TALUKA,
VRUSHABHAVATHI NAGAR,
AFZALPUR,
KALABURGI DISTRICT - 585 101.

4 . KUM.VIJAYALAKSHMI
D/O LATE SHIVAPPA PUJARI,
AGED ABOUT 13 YEARS
SINCE MINOR REPRESENTED
BY HER SISTER AND NATURAL GUARDIAN
SMT.MAITRAMMA, W/O SRI SUBASH,
R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK,
GULBARGA DISTRICT - 585 101.

PRESENT ADDRESS OF PETITIONER NOs.1 TO 4
NO.123, 6TH CROSS, 6TH MAIN,
J.C.NAGAR, KURUBARAHALLI,
BENGALURU - 560 086.

5 . SRI.RAVIKUMAR
S/O MUNIYAPPA, MAJOR
R/O NO.123, NEAR GOVT. SCHOOL ROAD,
JAKKUR VILLAGE & POST,
BANGALORE - 560 064.

6 . SMT.KAMAKSHAMMA
W/O LATE SHANKARAPPA,
MAJOR, R/AT NO.126,
NEAR SHRI GANESHA TEMPLE,
KAMAKSHIPALYA,
BANGALORE - 560 079.

…RESPONDENTS

[BY SRI SURESH M LATUR, ADVOCATE FOR R1 - R3;
SRI R.B.SADASIVAPPA, ADVOCATE FOR R5;
SRI SATHISHA T., ADVOCATE FOR R6;
V/C/O DTD 6.10.2026 STEPS IN R/O DECD.
R4 - VIJAYALAKSHMI WOULD NOT BE NECESSARY]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC NO.4848/2016 ON THE FILE OF THE MEMBER PRINCIPAL MACT AT BANGALORE (SCCH-1), AWARDING COMPENSATION OF RS.5,00,000/- WITH INTEREST AT THE RATE OF 9% P.A. FROM THE DATE OF PETITION TILL THE REALIZATION.

IN MFA NO.7025/2017:

BETWEEN:

THE REGIONAL MANAGER
THE ORIENTAL INSURANCE CO LTD
REGIONAL OFFICE
LEO SHOPPING COMPLEX,
44/45 RESIDENCY ROAD,
BANGALORE - 560025

...APPELLANT

[BY SMT.HARINI SHIVANANDA, ADVOCATE (PH)]

AND:

1 . SMT. MAITRAMMA
W/O SRI SUBASH
AGED ABOUT 26 YEARS
R/AT HASANAPUR PARTHABAD POST,
JEVARGI TALUK
GULBARGA DISTRICT - 585 101.

2 . SMT. MARIYAMMA @ LAKSHMI
W/O MALLAPPA
AGED ABOUT 25 YEARS
R/AT SHAKAPURA S H
HEMNOOR, SHORAPUR,
YADGIR DISTRICT - 585 201.

3 . SMT. PALLAVI
W/O MALLAPPA PUJARI
MAJOR, R/AT MADARAB TALUKA
VRUSHABHAVATHI NAGAR
AFZALPUR, KALBURAGI DIST. - 585 101.

4 . KUM.VIJAYALAKSHMI
D/O LATE SHIVAPPA PUJARI
AGED ABOUT 13 YEARS
SINCE MINOR REP. BY HER SISTER AND
NATURAL GUARDIAN
SMT.MAITRAMMA W/O SRI SUBASH
R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK

GULBARGA DISTRICT - 585 101.

PRESENT ADDRESS OF R1 TO R4
NO.123, 6TH CROSS, 6TH MAIN,
J.C.NAGAR, KURUBARAHALLI,
BENGALURU - 560 086.

5 . SRI RAVIKUMAR
MAJOR, S/O MUNIYAPPA
R/O NO.123, NEAR GOVT SCHOOL ROAD,
JAKKUR VILLAGE AND POST
BANGALORE - 560 064.

6 . SMT.KAMAKSHAMMA
W/O LATE SHANKARAPPA
MAJOR, R/AT NO.126,
NEAR SHRI GANESHA TEMPLE
KAMAKSHIPALYA
BANGALORE - 560 079.

…RESPONDENTS

[BY SRI SURESH M. LATUR, ADVOCATE FOR R1 TO R3;
SRI R.B.SADASIVAPPA, ADVOCATE FOR R5;
SRI SATHISHA T., ADVOCATE FOR R6;
V/O/D 6.10.2026 STEPS IN R/O DECD. R4 - VIJAYALAKSHMI WOULD NOT BE NECESSARY]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC NO.4849/2016 ON THE FILE OF THE MEMBER PRINCIPAL MACT, BANGALORE (SCCH-1), AWARDING COMPENSATION OF RS.8,74,400/- WITH INTEREST AT THE RATE OF 9% P.A. FROM THE DATE OF PETITION TILL THE REALIZATION.

IN MFA NO.7026/2017:

BETWEEN:

THE REGIONAL MANAGER
THE ORIENTAL INSURANCE CO.LTD
REGIONAL OFFICE,
LEO SHOPPING COMPLEX,
44/45,RESIDENCY ROAD,
BANGALORE - 560 025.

…APPELLANT

[BY SMT.HARINI SHIVANANDA, ADVOCATE (PH)]

AND:

1 . SMT.MAITRAMMA
W/O SRI SUBASH,
AGED ABOUT 26 YEARS,
R/AT HASANAPUR,
PARTHABAD POST,
JEVARGI TALUK,
GULBARGA DISTRICT - 585 101.

2 . SMT.MARIYAMMA @ LAKSHMI
W/O MALLAPPA,
AGED ABOUT 25 YEARS,
R/AT SHAKAPURA S H
HEMNOOR, SHORAPUR
YADGIR DISTRICT - 585 201.

3 . SMT.PALLAVI
W/O MALAPPA PUJARI,
MAJOR, R/AT MADARAB TALUKA,
VRUSHABHAVATHI NAGAR,
AFZALPUR, KALBAURGI DISTRICT - 585 101.

4 . KUM.VIJAYALAKSHMI
D/O LATE SHIVAPPA PUJARI,
SINCE MINOR REPRESENTED BY
HER SISTER AND NATURAL GUARDIAN
SMT.MAITRAMMA
W/O SRI SUBASH,
R/AT HASANAPUR, PARTHABAD POST,
JEVARGI TALUK,
GULBARGA DISTRICT - 585 101.

PRESENT ADDRESS OF R1 AND R4
NO.123, 6TH CROSS, 6TH MAIN,
J C NAGARA,KURUBARAHALLI,
BANGALORE - 560 086.

5 . SRI RAVIKUMAR
S/O MUNIYAPPA,
MAJOR, R/O NO.123,
NEAR GOVT.SCHOOL ROAD,
JAKKUR VILLAGE & POST

BANGALORE - 560 064.

6 . SMT.KAMAKSHAMMA
W/O LATE SHANKARAPPA,
MAJOR,R/AT NO.126,
NEAR SRI GANESHA TEMPLE,
KAMAKSHIPALYA,
BANGALORE - 560 079.

…RESPONDENTS

[BY SRI SURESH M. LATUR, ADVOCATE FOR R1 TO R3;
SRI R.B.SADASIVAPPA, ADVOCATE FOR R5;
SRI SATHISHA T., ADVOCATE FOR R6;
V/O/D 6.10.2026 STEPS IN R/O DECD. R4 - VIJAYALAKSHMI WOULD NOT BE NECESSARY]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC NO.4850/2016 ON THE FILE OF THE MEMBER, PRINCIPAL M.A.C.T. BENGALURU(S.C.C.H-1), AN AWARD AMOUNT OF RS.9,83,600/- WITH INTEREST AT 9% P.A. FROM THE DATE OF PETITION TILL THE REALIZATION.

IN MFA NO.7027/2017:

BETWEEN:

THE REGIONAL MANAGER
THE ORIENTAL INSURANCE CO. LTD
REGIONAL OFFICE,
LEO SHOPPING COMPLEX,
44/45 RESIDENCY ROAD,
BANGALORE-560 025

…APPELLANT

[BY SMT.HARINI SHIVANANDA, ADVOCATE (PH)]

AND:

1 . SMT.MAITRAMMA
W/O SRISUBASH,
AGED ABOUT 26 YEARS,
R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK,
GULBARGA DISTRICT - 585 101.

2 . SMT.MARIYAMMA @ LAKSHMI
W/O MALLAPPA,
AGED ABOUT 25 YEARS
R/AT SHAKAPURA S.H.
HEMNOOR, SHORAPUR,
YADGIR DISTRICT - 585 201.

3 . SMT.PALLAVI
W/O MALAPPA PUJARI, MAJOR
R/AT MADARAB TALUKA,
VRUSHABHAVATHI NAGAR,
AFZALPUR, KALABURGI DISTRICT.

4 . KUM.VIJAYALAKSHMI
D/O LATE SHIVAPPA PUJARI,
SINCE MINOR REP BY HER SISTER AND
NATURAL GUARDIAN SMT.MAITRAMMA
W/O SRI SUBASH, R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK,
GULBARGA DISTRICT- 585 101.

PRESENT ADDRESS OF R1 AND R4
NO.123, 6TH CROSS, 6TH MAIN,
J C NAGARA,KURUBARAHALLI,
BANGALORE - 560 086.

5 . SRI RAVIKUMAR
S/O MUNIYAPPA, MAJOR
R/O NO.123, NEAR GOVT. SCHOOL ROAD,
JAKKUR VILLAGE & POST,
BANGALORE - 560 064.

6 . SMT.KAMAKSHAMMA
W/O LATE SHANKARAPPA,
MAJOR, R/AT NO.126,
NEAR SHRI GANESHA TEMPLE,
KAMAKSHIPALYA,
BANGALORE-560 079.

…RESPONDENTS

[BY SRI SURESH M. LATUR, ADVOCATE FOR R1 TO R3;
SRI R.B.SADASIVAPPA, ADVOCATE FOR R5;
SRI SATHISHA T., ADVOCATE FOR R6;

V/O/D 6.10.2026 STEPS IN R/O DECD. R4 - VIJAYALAKSHMI WOULD NOT BE NECESSARY]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC NO.4851/2016 ON THE FILE OF THE MEMBER, PRINCIPAL MACT, BANGALORE, (SCCH-1) AWARDING COMPENSATION OF Rs.5,00,000/- WITH INTEREST @ 9% P.A. FROM THE DATE OF PETITION TILL REALIZATION .

IN MFA NO.7028/2017:

BETWEEN:

THE REGIONAL MANAGER
THE ORIENTAL INSURANCE CO.LTD.,
REGIONAL OFFICE,
LEO SHOPPING COMPLEX,
44/45, RESIDENCY ROAD,
BANGALORE - 560 025.

...APPELLANT

[BY SMT. HARINI SHIVANANDA, ADVOCATE]

AND:

1 . SRI SUBASH
S/O SRI MALLAPPA,
AGED ABOUT 30 YEARS,

2 . SMT MAITRAMMA
W/O SUBASH,
AGED ABOUT 26 YEARS,

BOTH ARE R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK,
GULBARGA DISTRICT - 585 101.

PRESENT ADDRESS NO.123,
6TH CROSS, 6TH MAIN,
J.C.NAGAR, KURUBARAHALLI,
BANGALORE - 86.

3 . SRI RAVIKUMAR
S/O MUNIYAPPA,
MAJOR, R/O.NO.123,
NEAR GOVT. SCHOOL ROAD,
JAKKUR VILLAGE & POST,
BANGALORE - 560 064.

4 . SMT.KAMALAKSHAMMA
W/O LATE SHANKARAPPA,
MAJOR, R/AT NO.126,
NEAR SHRI GANESHA TEMPLE,
KAMAKSHIPALYA,
BANGALORE - 560 079.

…RESPONDENTS

[BY SRI SURESH M. LATUR, ADVOCATE FOR R1 TO R2;
SRI R.B.SADASIVAPPA, ADVOCATE FOR R3;
SRI SATHISHA T., ADVOCATE FOR R4]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC NO.4852/2016 ON THE FILE OF THE MEMBER, PRINCIPAL MACT, BANGALORE, (SCCH-1) AWARDING COMPENSATION OF Rs.5,00,000/- WITH INTEREST @ 9% P.A. FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA NO.7029/2017:

BETWEEN:

THE REGIONAL MANAGER
THE ORIENTAL INSURANCE CO. LTD.,
REGIONAL OFFICE, LEO SHOPPING
COMPLEX, 44/45, RESIDENCY ROAD,
BANGALORE - 560 025.

…APPELLANT

[BY SMT.HARINI SHIVANANDA, ADVOCATE (PH)]

AND:

1 . SMT. KAMAKSHAMMA

W/O LATE SHANKARAPPA,
AGED ABOUT 46 YEARS,

2 . SRI VENKATESH S
S/O LATE SHANKARAPPA,
AGED ABOUT 30 YEARS,

3 . SRI PRASANNA S
S/O LATE SHANKARAPPA,
AGED ABOUT 28 YEARS,

4 . SMT.MAHALAKSHMI S
D/O LATE SHANKARAPPA,
W/O LOKESH,
AGED ABOUT 46 YEARS,

RESPONDENTS NO.1 TO 4 ARE ALL
R/AT NO.126, 2ND CROSS, 2ND MAIN,
VRUSHABHAVATHI NAGAR,
THOTADA ROAD,
KAMAKSHIPALYA,
BANGALORE - 560 079.

5 . SRI RAVIKUMAR
S/O MUNIYAPPA, MAJOR,
R/O NO.123, NEAR GOVT SCHOOL ROAD,
JAKKUR VILLAGE & POST,
BANGALORE - 560 064.

6 . SMT.KAMAKSHAMMA
W/O LATE SHANKARAPPA,
MAJOR, R/AT NO.126,
NEAR SHRI GANESHA TEMPLE,
KAMAKSHIPALYA,
BANGALORE - 560 079.

…RESPONDENTS

[BY SRI SATHISHA T., ADVOCATE FOR R1 TO R4;
SRI R.B.SADASIVAPPA, ADVOCATE FOR R5;
NOTICE TO R6 - SERVED AND UNREPRESENTED;
V/O/D 23.03.2023 NOTICE IN R/O DECD. R6 HELD NECESSARY]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC

NO.6441/2016 ON THE FILE OF THE MEMBER PRINCIPAL MACT AT BANGALORE (SCCH-1), AWARDING COMPENSATION OF RS.8,43,100/- WITH INTEREST AT THE RATE OF 9% P.A. FROM THE DATE OF PETITION TILL THE REALIZATION.

IN MFA NO.7608/2018:

BETWEEN:

1 . SMT.MAITRAMMA
W/O SRI SUBHASH
OCC: HOUSEWIFE
R/A HASANAPUR, PATHABAD POST
JEVARGI TALUK,
GULBARGA DIT-585 350.

2 . SRI MARIYAMMA @ LAKSHMI
W/O MALLAPPA
AGED ABOUT 26 YEARS
OCC: HOUSEWIFE
R/A SHAKAPURA S HEMNOOR
SHORAPUR
YADGIR DIST - 585 224.

3 . SMT.PALLAVI
W/O MALLAPPA PUJARI
R/A MADARA B. TALUK
VRUSHABHAVATHI NAGAR
AFZALPUR
KALBURGI DIST - 585 265.

PRESENT ADDRESS OF A1 TO A3 NO.123,
6TH CROSS, 6TH MAIN, J.C.NAGAR,
KURUBARAHALLI, BENGALURU - 560 086.

SINCE PETITIONER NO.4 DIED ON 29.10.2016
HAS NOT MADE AS PARTY AND THE
APPELLANTS ARE THE ONLY LRs OF DECEASED
OF VIJAYALAKSHMI.

...APPELLANTS

[BY SRI SURESH M LATUR, ADVOCATE]

AND:

1 . SRI RAVIKUMAR
S/O MUNIYAPPA

R/A NO.123, NEAR GOVT SCHOOL ROAD
JAKKUR VILLAGE POST
BENGALURU - 560 064.

2 . THE MANAGER
THE ORIENTAL INSURANCE CO LTD.,
NO.44/45, LEO COMPLEX
RESIDENCY ROAD CROSS
BENGALURU - 560 025.

3 . SMT.KAMAKSHAMMA
W/O LATE SHANKARAPPA
R/A NO.126, NEAR SRI GANESH TEMPLE,
KAMAKSHIPALYA
BENGALURU - 560 079.

…RESPONDENTS

[BY SMT.HARINI SHIVANAND, ADVOCATE FOR R2;
SRI SATISHA T., ADVOCATE FOR R3;
NOTICE TO R1 - SERVED AND UNREPRESENTED]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21/06/2017, PASSED IN MVC NO.4848/2016, ON THE FILE OF THE MEMBER, PRINCIPAL MACT, BENGALURU (SCCH-1), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION .

IN MFA NO.7611/2018:

BETWEEN:

1 . SMT.MAITRAMMA
W/O SRI SUBHASH,
AGE 27 YEARS, OCC: HOUSEWIFE,
R/AT HASANAPUR, PARTHABAD POST,
JEVARGI TALUK, GULBARGA DISTRICT - 585 350.

2 . SRI MARIYAMMA @ LAKSHMI
W/O MALLAPPA,
AGE 26 YEARS, OCC: HOUSEWIFE,
R/AT SHAKAPURA S. HEMNOOR,
SHORAPUR, YADGIR DISTRICT - 585 224.

3 . SMT. PALLAVI
W/O MALAPPA PUJARI,
AGE MAJOR, R/AT MADARA B.TALUKA,
VRUSHABAHAVATHI NAGAR,
AFZALPUR, KALBURGI DISTRICT - 585 265.

PRESENT ADDRESS OF A1 TO A3 NO.123,
6TH CROSS, 6TH MAIN, J.C.NAGAR,
KURUBARAHALLI, BENGALURU - 560 086.

SINCE PETITIONER NO.4 DIED ON 29.10.2016
HAS NOT MADE AS PARTY AND THE APPELLANTS
ARE THE ONLY LRs OF DECEASED OF VIJAYALAKSHMI.

…APPELLANTS

[BY SRI SURESH M LATUR, ADVOCATE]

AND:

1 . SRI RAVIKUMAR
S/O MUNYAPPA,
R/AT NO. 123, NEAR GOVT. SCHOOL ROAD,
JAKKUR VILLAGE AND POST,
BENGALURU - 560 064.

2 . THE MANAGER
THE ORIENTAL INSURANCE CO., LTD.,
NO.44/45, LEO COMPLEX,
RESIDENCY ROAD CROSS,
BENGALURU - 560 025.

3 . SMT. KAMAKSHAMMA
W/O LATE SHANKARAPPA,
R/AT NO. 126, NEAR SRI GANESH TEMPLE,
KAMAKSHIPALYA,
BENGALURU - 560 079.

…RESPONDENTS

[BY SRI R.B.SADASIVAPPA, ADVOCATE FOR R1;
SMT.HARINI SHIVANAND, ADVOCATE FOR R2;
SRI SATISHA T., ADVOCATE FOR R3]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC

NO.4850/2016 ON THE FILE OF THE PRINCIPAL MACT, MEMBER, BENGALURU (SCCH-1), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO.7612/2018:

BETWEEN:

1 . SMT.MAITRAMMA
W/O SRI SUBHASH
AGED ABOUT 27 YEARS
OCC: HOUSEWIFE, R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK,
GULBARGA DIST - 585 350.

2 . SRI MARIYAMMA @ LAKSHMI
W/O MALLAPPA
AGED ABOUT 26 YEARS,
OCC: HOUSEWIFE
R/AT SHAKAPURA S.HEMNOOR
SHORAPUR, YADGIR DIST - 585 224.

3 . SMT.PALLAVI
W/O MALLAPPA PUJARI
MAJOR,
R/AT MADARA B TALUK,
VRUSHABHAVATHI NAGAR,
AFZALPUR, KALBURGI DIST - 585 265.

PRESENT ADDRESS OF A1 TO A3 NO.123,
6TH CROSS, 6TH MAIN, J.C.NAGAR,
KURUBARAHALLI, BENGALURU - 560 086.

SINCE PETITIONER NO.4 DIED ON 29.10.2016
HAS NOT MADE AS PARTY AND THE
APPELLANTS ARE THE ONLY LRs OF DECEASED
OF VIJAYALAKSHMI.

...APPELLANTS

[BY SRI SURESH M LATUR, ADVOCATE]

AND:

1 . SRI RAVIKUMAR
S/O MUNIYAPPA
R/AT NO.123, NEAR GOVT SCHOOL ROAD

JAKKUR VILLAGE POST
BENGALURU - 560 064.

2 . THE MANAGER
THE ORIENTAL INSURANCE CO LTD.,
NO.44/45, LEO COMPLEX,
RESIDENCY ROAD CROSS,
BENGALURU - 560 025.

3 . SMT.KAMAKASHAMMA
W/O LATE SHANKARAPPA
R/AT NO.126, NEAR SRI GANESH TEMPLE
KAMAKSHIPALYA,
BENGALURU - 560 079.

…RESPONDENTS

[BY SMT.HARINI SHIVANAND, ADVOCATE FOR R2;
SRI SATISHA T., ADVOCATE FOR R3;
NOTICE TO R1 - SERVED AND UNREPRESENTED]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21/06/2017, PASSED IN MVC NO.4851/2016, ON THE FILE OF THE MEMBER, PRINCIPAL MACT, (SCCH-1), BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION .

IN MFA NO.7613/2018:

BETWEEN:

1 . SRI SUBHASH
S/O SRI MALLAPPA,
OCC:COOLIE (BUILDING CONSTRUCTION)

2 . SMT. MAITRAMMA
W/O SRI SUBHASH
OCC:HOUSEWIFE

BOTH ARE R/AT HASANAPUR,
PARTHABAD POST, JEVARGI TALUK,
GULBARGA DIST - 585 350.

PRESENT ADDRESS:
P-1 R/AT NO.13, 6TH CROSS,
6TH MAIN, J.C.NAGARA,
KURUBARAHALLI,
BENGALURU - 560 086.

…APPELLANTS

[BY SRI SURESH M LATUR, ADVOCATE]

AND:

1 . SRI RAVIKUMAR
S/O MUNIYAPPA,
R/AT NO.123,
NEAR GOVT.SCHOOL ROAD,
BENGALURU - 560 064.

2 . THE MANAGER
THE ORIENTAL INSURANCE CO.,LTD.,
NO.44/45,LEO COMPLEX,
RESIDENCY ROAD CROSS,
BENGALURU - 560 025.

3 . SMT KAMAKSHAMMA
W/O LATE SHANKARAPPA,
R/AT NO.126,
NEAR SRI GANESH TEMPLE,
KAMAKSHIPALYA,
BENGALURU - 560 079.

…RESPONDENTS

[BY SMT.RAJESHWARI M., ADVOCATE FOR R1;
SMT.HARINI SHIVANAND, ADVOCATE FOR R2;
SRI SATISHA T., ADVOCATE FOR R3]

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.06.2017 PASSED IN MVC NO.4852/2016 ON THE FILE OF THE PRINCIPAL MACT, MEMBER, MACT, BENGALURU (SCCH-1), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION .

THESE APPEALS IS COMING ON FOR *DICTATING ORDERS*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging common judgment and award dated 21.06.2017 passed by Member, Prl. MACT, Bengaluru, in MVC nos.4848 to 4852 of 2016 and in MVC no.6441/2016, these appeals are filed.

2. While MFAs no.7024/2017, 7025/2017, 7026/2017, 7027/2017, 7028/2017 and 7029/2017 are by insurer challenging finding on negligence and on quantum, MFAs no.7610/2018, 7608/2018, 7611/2018, 7612/2018 and 7613/2018 are by claimants for enhancement of compensation.

3. Brief facts leading to these appeals as per claimants are that at 2:30 pm on 12.05.2016, Lakkamma, Madevi @ Mahadevi, Shivappa, Mariyappa and Ranjitha were traveling in autorickshaw no.KA-02/A-3288 on 6th Main Road, 8th Cross, JC Nagar, Bengaluru, driven by Shankarappa, when it dashed against Lorry no.KA-50/0607 parked on road negligently and without observing traffic rules. In accident, Madevi, Shivappa, Ranjitha and auto driver Shankarappa died on spot whereas Mariyappa succumbed to injuries in hospital. Claiming compensation, MVCs no.4848 to 4852 of 2016 and MVC

no.6441/2016 were filed under Section 166 of MV Act against owner and insurer of lorry and RC owner of auto.

4. On appearance claim petitions were opposed. Respondent no.3 did not file objections. Respondents no.1 and 2 filed objections opposing claim petition on all counts. Insurer filed objections denying negligence on part of driver of insured vehicle in causing accident as well as alleging entire negligence against auto driver.

5. Based on pleadings Tribunal framed following:

Issues in MVCs no.4848/2016 to 4852/2016:

1. *Whether the petitioners prove that the deceased succumbed to injuries in a Motor Vehicle Accident that occurred on 12.05.2016 at about 02.00 pm., in front of Sandeep Bar. JC Nagar, Kurubarahalli, Bengaluru within the jurisdiction of Rajajinagar Traffic Police Station, on account of rash and negligent driving of the Tata Goods lorry bearing registration No.KA.50/0607 and Auto Rickshaw bearing registration No.KA.02/A.3288 by its drivers?*

2. *Whether the respondent no.3 proves that the accident was occurred on account of negligent act of the driver of TATA Goods Vehicle?*

3. *Whether the petitioners are entitled for compensation? If so how much and from whom?*

4. *What order or award?*

Issues in MVC no.*6441/2016:-*

1. *Whether the petitioners prove that the deceased succumbed to injuries in a Motor Vehicle Accident that occurred on 12.05.2016 at about 02.00 pm., in*

front of Sandeep Bar, JC Nagar, Kurubarahalli, Bengaluru within the jurisdiction of Rajajinagar Traffic Police Station, on account of rash and negligent driving of the Tata Goods lorry bearing registration No.KA.50/0607 by its driver?

2. *Whether the respondent No.1 and 2 prove that the accident occurred on account of negligent act of the deceased?*
3. *Whether petitioners are entitled for compensation? If so how much and from whom?*
4. *What order or award?*

6. In MVCs no.4848/2016 to 4852/2016 claimants examined three witnesses as PWs.1 to 3 and got marked Exs.P1 to P19. In rebuttal, owner of lorry, official of insurer and RC owner of autorickshaw deposed as RWs.1 to 3. No documents were marked.

7. In MVC no.6441/2016, claimant no.3 deposed as PW.1 and got marked Exs.P1 to P19. Owner of Lorry and official of Insurer deposed as RWs.1 and 2.

8. Since claim petitions arose out of same accident, despite separate trial, Tribunal passed common judgment and award answering issues no.1, 2 and 3 partly in affirmative and holding owners and insurer jointly and severally liable to pay and issue no.4 by assessing compensation as follows:

1.	MVC no.4848/2016	Rs.5 lakh with 9% interest

2.	MVC no.4849/2016	Rs.8,74,400/- with 9% interest
3.	MVC no.4850/2016	Rs.9,83,600/- with 9% interest
4.	MVC no.4851/2016	Rs.5 lakh with 9% interest
5.	MVC no.4852/2016	Rs.5 lakh with 9% interest
6.	MVC no.6441/2016	Rs.8,43,100/- with 9% interest

Aggrieved thereby, these appeals are filed.

9. Smt.Harini Shivananda, learned counsel for appellant-insurer submitted that in order to establish actionable negligence against respondents, claimants relied upon accident report, FIR, spot panchanama, charge sheet and spot sketch as Exs.P1 to P5. Ex.P5 showed that accident occurred during daytime on a 28 ft. wide road running East to West with autorickshaw moving down gradient from East towards West and accident spot was at 16 ft. from southern edge of road and 6 ft. from northern edge of road. As there was more than 10 ft. road available on side of parked Lorry, manner of occurrence of accident itself indicated rash and negligent driving by Auto driver and in great speed. Fact that driver did not have valid and effective driving licence, fitness certificate, permit or insurance corroborated negligence. Besides, when Ex.P4 - charge sheet was filed against driver of auto as well as driver of Lorry, and even issue framed regarding occurrence of accident

due to negligence of drivers of both vehicles. It was submitted, Tribunal ought to have apportioned negligence, even if claimants could proceed against any of joint tortfeasors for entire compensation, to enable insurer to claim reimbursement from other tortfeasor to extent of negligence. And prayed for allowing Insurer's appeals.

10. In MFA no.7029/2017 arising out of MVC no.6441/2016, it was submitted that PW.1 admitted auto did not have fitness certificate and insurance at time of accident and even official of insurer examined as RW.1 had stated same. In view of above, non-apportionment of negligence called for interference.

11. On quantum it was submitted that in several claim petitions, deceased were aged more than 40 years. Therefore, addition of future prospects to monthly income could only be at 25%. Addition of 30% to monthly income was contrary to ratio in **National Insurance Co. Ltd., v. Pranay Sethi** reported in **2017 (16) SCC 680** and require modification. It was further submitted that Hon'ble Supreme Court in case of **Deep Shikha and Anr. v. National Insurance Co. Ltd and Ors.** [**2025**

INSC 675] (**Deep Shikha**'s case) had held married daughters were disentitled from claiming compensation as dependants.

12. Insofar as claimants' appeal in case of death of minor it was submitted that there was no material to substantiate minimum wages notified by Government for skilled workers during relevant year. It was submitted that on overall consideration compensation awarded was just and proper and did not call for enhancement and prayed for allowing insurer's appeals and for dismissal of claimants' appeals.

13. On other hand Sri Suresh M Latur, learned counsel for claimant appellant submitted that while passing impugned judgment, Tribunal had taken note of fact that Lorry was parked on road in negligent manner and without observing traffic rules/regulations. Besides, it had referred to two decisions of Hon'ble Supreme Court which had opined that in a case of accident due to composite negligence, Tribunal/High Court need not advert to apportionment of negligence to contend that insurer's appeal for apportionment of negligence were misconceived.

14. On quantum, in MFA no.7610/2018 it was submitted that deceased Mahadevi @ Madevi aged 44 years,

working as construction worker and had stated to be earning Rs.15,000/- per month. Without justification Tribunal assessed monthly income at Rs.7,000/- per month would not be justified. It was submitted that claimants were 3 daughters and fairly conceded to legal position that addition of future prospects would have to be at 25% and deduction towards personal expenses at 1/3rd and multiplier applicable would be '14'. It was however submitted that appropriate compensation was not awarded towards conventional heads and sought for enhancement.

15. In MFA no.7608/2018 it was submitted that deceased Lakkamma was a 10 year old child and relying upon decision of Hon'ble Supreme Court in case of **Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari and Anr.** reported in **2025 SCC OnLine SC 3446** it was submitted that in case of non-earning minor members, monthly income equal to minimum wages notified by State for relevant year in respect of a skilled worker has to be considered and multiplier applicable was held to be '18' and future prospects at 40% had to be added. Since claimants were sisters of deceased, learned

counsel sought for awarding appropriate consortium, funeral expenses and loss of estate and sought for allowing appeal.

16. In MFA 7027/2017, it was submitted that deceased Mariyappa was 18 years bachelor, working as construction worker and earning Rs.15,000/- per month. However, Tribunal erred in considering and assessing his monthly income at only Rs.7,000/- and awarded inadequate compensation. It was submitted that claimants were three sisters and appropriate compensation under conventional heads was required to be awarded. It was submitted that future prospects at 40% and deduction towards personal expenses at 50% and multiplier applicable would be '18'.

17. In MFA no.7028/2017, it was submitted that deceased was a 4-year-old minor named Ranjitha. Claimants were appellants and sought for assessment of compensation by relying on decision in **Hitesh Nagjibhai Patel**'s case.

18. In MFA no.7611/2018, it was submitted that deceased Shivappa Poojari was 45 years of age, working as construction coolie and earning Rs.15,000/- per month. Without justification Tribunal assessed his monthly income at only Rs.7,000/- and awarded inadequate compensation. It was

submitted that claimants were three daughters and were entitled for adequate compensation under conventional heads.

19. Learned counsel fairly conceded that addition of future prospects would be at 25% and deduction towards personal expenses would have to be at 1/3rd and multiplier applicable would be '14'. On above grounds sought for enhancement of compensation by allowing claimants' appeal and dismissing insurers' appeal.

20. Opposing insurers contention about variation of compensation on account of death of Smt.Vijayalakshmi during pendency of claim petition, learned counsel relied on decision of Hon'ble Supreme Court in **Kirthi and Anr. V. Oriental Insurance Company Limited** reported in **(2021) 2 SCC 166.**

21. Buttressing contention of insurer that married daughters were not entitled for compensation on ground of not being dependants learned counsel relied on decision of Hon'ble Supreme Court in **National Insurance Co. Ltd., v. Birender and Ors.** reported in **AIR 2020 SC 434** wherein similar contention of insurer was negatived and sought for award of appropriate compensation.

22. Relying on decision of this Court in MFA no.202037/2018 [**2024 KHC-K 6328**] (**Nagamma's** case) it was submitted that in one of claim petitions arising out of same accident against which insurer had filed appeal on non-apportionment of negligence, this Court had dismissed insurer's appeal by holding that such contention would not be justified. Therefore, similar contention in connected claim petition arising out of same accident would not be entertained.

23. Heard learned counsel, perused impugned judgment and award and record.

24. From above and since insurer is in appeal challenging finding on negligence as well as assailing award on quantum while claimants are seeking for enhancement of compensation, points that arise for consideration are:

1. *Whether Tribunal committed any error in not apportioning negligence?*

2. *Whether compensation awarded by Tribunal calls for modification?*

Point no.1 in MFAs no.7024/2017, 7025/2017, 7026/2017, 7027/2017, 7028/2017 and 7029/2017:

25. Though learned counsel for claimant would be justified in contenting that as claimants are third parties and would be entitled to pursue their claim for compensation

against any of joint tortfeasors, Hon'ble Supreme Court in **Khenyei v. New India Assurance Co. Ltd., and Ors.** reported in **(2015) 9 SCC 273**, has held:

> *"**22.1.** In the case of composite negligence, the plaintiff/claimant is entitled to sue both or any one of the joint tortfeasors and to recover the entire compensation as liability of joint tortfeasors is joint and several.*
>
> ***22.2.** In the case of composite negligence, apportionment of compensation between two tortfeasors vis-à-vis the plaintiff/claimant is not permissible. He can recover at his option whole damages from any of them.*
>
> ***22.3**. In case all the joint tortfeasors have been impleaded and evidence is sufficient, it is open to the court/Tribunal to determine inter se extent of composite negligence of the drivers. However, determination of the extent of negligence between the joint tortfeasors is only for the purpose of their inter se liability so that one may recover the sum from the other after making whole of the payment to the plaintiff/claimant to the extent it has satisfied the liability of the other. In case both of them have been impleaded and the apportionment/extent of their negligence has been determined by the court/Tribunal, in the main case one joint tortfeasor can recover the amount from the other in the execution proceedings."*

26. Thus, there would be no prohibition against determining inter se negligence for purposes of seeking reimbursement between joint tortfeasors, if any of them pay compensation to claimants beyond their extent.

27. In order to establish actionable negligence against owner/insurer of Lorry, claimants relied on police investigation records i.e., crime report, FIR, mahazar, charge sheet, accident spot sketch and Motor Vehicle Inspector's report. Same would indicate that accident occurred in broad daylight on 28 ft. wide road running East to West with insured Lorry parked on right edge of road for unloading of cement bricks. Accident spot sketch would indicate accident spot at 16 ft. from Southern edge of road and 6 ft. from Northern edge. There is no dispute about auto rear-ending Lorry. Though it is alleged that Lorry was parked negligently and without following traffic rules, fact that accident led to death of auto driver and four passengers would indicate auto being driven in high speed in rash and negligent manner. Filing of charge sheet against drivers of both vehicles would also lend substance to insurer's challenge. There is no evidence about any mitigating factor such as auto driver attempting to turn it or applying breaks to avoid collision. Further, when appellant is insurer of Lorry and not Auto, reference to admission by PW.1 in MVC no.6441/2016 about Auto lacking Fitness Certificate and it being uninsured, which in effect is alleging violation of terms and conditions of policy

would be untenable. Hence, Point no.1 answered by apportioning negligence against driver of Lorry to extent of 30% and 70% against driver of Auto.

Point no.2 in MFA 7610/*2018:**

28. Deceased Madevi was 44 years of age, stated to be construction worker and earning Rs.15,000/-. In view of failure to substantiate income, resort to notional income would be justified. However as notional income for year 2016 being Rs.9,500/-, same has to be considered. Claimants are 4 daughters. As per **Pranay Sethi'**s case (supra), future prospects at 25% has to be added to monthly income and deduction towards personal expenses would be at 1/3rd and multiplier applicable would be '14'. Thus, compensation towards loss of dependency would be :

(Rs.9,500/- + 25%) = Rs.11,875 x 1/3rd x 12 x 14 = Rs.13,29,986/- approximated to **Rs.13,30,000/-**.

29. Further each of claimants would be entitled to Rs.40,000/- towards parental consortium i.e. Rs.1,60,000/-. In addition they would be entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate. Thus, total compensation under conventional heads would be

**Corrected vide chamber order dt. 6-11-2026.*

Rs.1,90,000/-. Since more than six years have lapsed after decision in **Pranay Sethi'**s case (supra) 20% has to be added to it i.e. **Rs.38,000**/-. Thus, total compensation would be **Rs.15,58,000/-**. Point no.2 is answered accordingly.

Point no.2 in MFA 7608/*2018:**

30. Deceased Lakkamma was a minor aged 10 years. As held in **Hitesh**'s case (supra), monthly income of non-earning minor member has to be considered at minimum wages notified for skilled worker for relevant period and multiplier to be applied is '18'. In absence of material about Minimum Wages notified, it would be appropriate to adopt notional income at Rs.9,500/- for year 2016 has to be considered.

31. To said income, future prospects at 40% has to be added and 50% deducted towards personal expenses. Thus, compensation towards loss of dependency would be:

(Rs.9,500/- + 40%) = Rs.13,300 x 1/2 x 12 x 18 = **Rs.14,36,400**/-.

32. Relying on decision in **Birender**'s case (supra), insurer is opposing award of consortium to claimants-sisters. Though same is opposed relying on **Deep Shikha**'s case (supra), in said decision consortium was awarded to married

**Corrected vide chamber order dt. 6-11-2026.*

daughters and not sisters. Hence, claimants would be entitled for **Rs.15,000/-** towards funeral expenses and **Rs.15,000/-** towards loss of estate with addition of 20% towards escalation i.e. **Rs.6,000/-.** Thus, total compensation would be **Rs.14,72,400/-**. Point no.2 is answered accordingly.

Point no.2 in MFA 7612/*2018:**

33. Deceased Mariyappa was 18 years of age, stated to be coolie and earning Rs.15,000/-. In view of failure to substantiate income, resort to notional income would be justified. But notional income for year 2016 being Rs.9,500/-, same has to be considered. Claimants are three of his sisters. As per **Pranay Sethi'**s case (supra), future prospects at 40% has to be added to monthly income and deduction towards personal expenses would be at '1/2' and multiplier applicable would be '18'. Thus, compensation towards loss of dependency would be :

(Rs.9,500/- + 40%) = Rs.13,300 x 1/2 x 12 x 18 = **Rs.14,36,400/-.**

34. Since claimants are sisters of deceased, as held above, they would not be entitled to compensation towards consortium, but would be entitled to Rs.15,000/- towards

**Corrected vide chamber order dt. 6-11-2026.*

funeral expenses and Rs.15,000/- towards loss of estate with escalation of 20% i.e. **Rs.36,000/-**. Thus, total compensation would be **Rs.14,72,400/-**. Point no.2 is answered accordingly.

Point no.2 in MFA 7613/*2018:**

35. Deceased Ranjitha was a minor aged 4 years. As held in **Hitesh**'s case (supra), monthly income of non-earning minor member has to be considered at minimum wages notified for skilled worker for relevant period and multiplier to be applied is '18'. As held above, for want of material regarding Minimum Wages notified, notional income for year 2016 at Rs.9,500/- has to be considered. To said income, future prospects at 40% has to be added and 50% deducted towards personal expenses. Thus, compensation towards loss of dependency would be:

(Rs.9,500/- + 40%) = Rs.13,500 x 1/2 x 12 x 18 = **Rs.14,58,000**/-.

36. Claimants are parents and would be entitled for **Rs.80,000/-** towards loss of filial consortium. They would also be entitled for **Rs.15,000/-** towards funeral expenses and **Rs.15,000/-** towards loss of estate and escalation of 20% on award towards conventional heads. i.e. **Rs.22,000/-.** Thus

**Corrected vide chamber order dt. 6-11-2026.*

total compensation would be **Rs.15,90,000/-**. Point no.2 is answered accordingly.

Point no.2 in MFA 7611/*2018:**

37. Deceased Shivappa Pujari was 45 years of age, stated to be coolie earning Rs.15,000/- per month. In view of failure to substantiate income, resort to notional income would be justified. However, as notional income for 2016 being Rs.9,500/-, same has to be considered. As per **Pranay Sethi'**s case (supra), future prospects at 25% has to be added to monthly income and deduction towards personal expenses would be at 1/3rd and multiplier applicable would be '14'. Thus, compensation towards loss of dependency would be :

(Rs.9,500/- + 25%) = Rs.11,875 x 1/3 x 12 x 14 = Rs.13,29,986/- approximated to **Rs.13,30,000/-.**

38. Further claimants being three daughters would be entitled to Rs.40,000/- each towards parental consortium i.e. Rs.1,20,000/-. And for Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate, which would total to **Rs.1,50,000/-**. Since more than six years have lapsed after decision in **Pranay Sethi**'s case (supra) 20% has to be added

**Corrected vide chamber order dt. 6-11-2026.*

to it i.e. Rs.30,000/-. Thus, total compensation would be **Rs.15,10,000/-**. Point no.2 is answered accordingly.

39. In view of above, following:

ORDER

MFAs no.7024/2017, 7025/2017, 7026/2017, 7027/2017, 7028/2017 and 7029/2017 by insurer as well as MFAs no.7610/2018, 7608/2018, 7611/2018, 7612/2018 and 7613/2018 filed by claimants are allowed in part, impugned judgment and awards stand modified as follows:

1.	MVC no.4848/2016	Lakkamma	Rs.14,72,400/-
2.	MVC no.4849/2016	Madevi	Rs.15,58,000/-
3.	MVC no.4850/2016	Shivappa	Rs.15,10,000/-
4.	MVC no.4851/2016	Mariyappa	Rs.14,72,400/-
5.	MVC no.4852/2016	Ranjitha	Rs.15,90,000/-
6.	MVC no.6441/2016	Shankarappa	Rs.8,43,100/-

Same shall carry interest at 9% per annum from date of claim petition till deposit, excluding respective period of delay in filing appeal by claimants.

Insurer shall deposit said compensation before tribunal within 6 weeks.

On deposit, claimants would be entitled to file applications for release of entire compensation in proportion of apportionment made in impugned award by tribunal.

It is clarified that apportionment of negligence against driver of Lorry is reduced to 30% and increased against driver of Auto to 70%. But same will be only for purposes of insurer seeking reimbursement from owner of Auto after depositing entire compensation before tribunal, without need for separate proceedings.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL
List No.: 1 Sl No.: 46