CNR: KAHC010236132018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 9646 OF 2018 (MV-I)

BETWEEN:

THE MANAGER,
M/S UNIVERSAL SOMPO
GENERAL INSRUANCE COMPANY LTD.,
NEAR VINAYAKA TAKIES,
MARUTH RICE MILL BUILDING,
SHIVAMOGGA-577 245.

NOW REPRESENTED BY ITS MANAGER,
M/S UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LTD.,
PLOT NO: EL94 T.T.C INDUSTRIAL AREA,
MIDC, MAHAPE, NAVI MUMBAI-470 0701.

...APPELLANT

(BY SRI. B.C.SHIVANNE GOWDA., ADVOCATE)

Digitally signed by SUMATHY KANNAN
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT. RENUKA
   W/O LATE BASAVARAJ
   AGED ABOUT 34 YEARS,
   SINCE DEAD BY LR'S
   REPRESENTED BY R2 TO 3
   AS ALREADY ON RECORD.

2. KUMARI PAVITHRA
   D/O LATE BASAVARAJ
   AGED ABOUT 19 YEARS,

3. KUMARI PALLAVI
   D/O LATE BASAVARAJ,

AGED ABOUT 16 YEARS,

THE RESPONDENT NO.3 IS MINOR
MINOR REP. BY THEIR MOTHER I.E.
1ST RESPONDENT,
ALL ARE R/O UMBLEBAILU,
MACHALE POST, SAGAR TALUK.

4. K.S.SHRINATH
S/O S.SUBRAV,
AGED ABOUT 43 YEARS,
R/O J.P.NAGAR, NEAR BAVIKATTE,
SAGAR TOWN-577 412.

5. NARAYANASWAMI.P.K.
S/O P.KRISHNAMURTHY,
AGED ABOUT 46 YEARS,
R/O PURAPPEMANE,
HOSANAGARA TALUK-577 412.

…RESPONDENTS

(BY SRI. RAJENDRA.S., ADVOCATE FOR R2 & R3;
R5-SERVED;
NOTICE TO R4-HELD SUFFICIENT V/O/D:12.08.2024;
R1-DEAD, R2 AND R3 ARE LR'S OF DECEASED OF R1 V/O/DTD:12.08.2024)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 27.08.2018 PASSED IN MVC NO.926/2017 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE & JMFC, AND ADDITIONAL MACT-10, SAGAR, AWARDING COMPENSATION OF RS.8,24,800/- WITH INTEREST AT 6% P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

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CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. The present appeal seeks to challenge an award dated 27.08.2018 passed by the Additional Senior Civil Judge & JMFC, Sagar, in MVC No.926/2017 (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, a sum of Rs.8,24,800/- has been granted to the respondents/claimants along with interest at 6% per annum.

2. The challenge in the present appeal is by the appellant/Insurance Company. By order dated 12.08.2024, notice to respondent No.4 was held sufficient and Respondent Nos.2 and 3 were ordered to be treated as the legal representatives of deceased respondent No.1.

3. Learned counsel for the appellant/Insurance Company fairly submits that his only ground for challenge was the award for future prospects which was granted by the learned Tribunal at 10%. However, in view of the

settled legal position in the case of ***National Insurance Co. Ltd vs Pranay Sethi***[1], the appeal would not survive.

4. This Court has examined the Impugned Award. The deceased at the time of his death was 58 years old. Thus, future prospects ought to have been awarded in view of the judgment in ***Pranay Sethi***. The learned Tribunal has taken the income as per the notional income for the year 2015 as Rs.9,000/- and has added future prospects of 10% given the age of the deceased, and deducted one-third of his income and applied multiplier '9' to calculate the compensation towards 'loss of dependency'. The learned Tribunal has also awarded amounts under 'loss of estate', 'loss of consortium' and 'funeral expenses' in terms of the judgment in ***Pranay Sethi***.

5. Given what is stated above, the appeal of the appellant/Insurance Company does not survive and is

[1]2017 (16) SCC 680

accordingly ***dismissed.*** All pending applications stand closed.

6. Let the amount in deposit be transferred to the learned Tribunal for onward release to the respondent Nos.2 and 3/claimants. A copy of the order passed today shall also be sent to the respondent Nos.2 and 3/claimants by the Registry.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

KS
List No.: 1 Sl No.: 25