HC-KAR

NC: 2026:KHC:64187
MFA No. 5276 of 2026

CNR: KAHC010488782026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5276 OF 2026

(MV-D)

BETWEEN:

UNITED INDIA INSURANCE COMPANY LIMITED,
JAYADEVA COMPLEX,
B.H. ROAD, TUMAKURU TOWN,
NOW REP. BY ITS
REGIONAL OFFICE,
6TH FLOOR, KRISHI BHAVAN,
NRUPATHUNGA ROAD,
BENGALURU - 560 001,
REP. BY ITS DEPUTY MANAGER.

...APPELLANT

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI. A.M.VENKATESH, ADVOCATE)

AND:

1. RAMANJINEYA,
   S/O. LATE ESHWARAPPA,
   AGED ABOUT 49 YEARS,

2. VENKATESH
   S/O. LATE ESHWARAPPA
   AGED ABOUT 46 YEARS.

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JUDGE, HIGH COURT OF KARNATAKA

3. RAVI
S/O. LATE ESHWARAPPA
AGED ABOUT 42 YEARS

4. RAMESHA
S/O. LATE ESHWARAPPA
AGED ABOUT 39 YEARS.

ALL ARE R/O. 3RD BLOCK
KODIGENAHALLI VILLAGE.
KODIGENAHALLI HOBLI,
MADHUGIRI TALUK.

5. KUMAR
S/O. SIDDAPPA
AGED ABOUT 49 YEARS
R/AT VEERAPURA VILLAGE
KODIGENAHALLI HOBLI
MADHUGIRI TALUK
(OWNER OF THE MOTORCYCLE PASSION PLUS
BEARING REG. No.KA-06/ED-2328)

6. MANJUNATHA T.G.
S/O. GANGAPPA
AGED ABOUT 54 YEARS
R/AT THIMALAPURA, OORKERE
TUMAKURU TALUK
TUMAKURU DISTRICT.

(POLICY HOLDER OF THE MOTORCYCLE PASSION
PLUS BEARING REG. No.KA-06/ED-2328)

…RESPONDENTS

(R1, R2, R3 AND R4 - SERVED
V/O DTD. 21.07.2026, NOTICE TO R5 & R6 ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:28.10.2025 PASSED IN MVC No.243/2022 ON THE FILE OF THE ADDL.

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JUDGE, HIGH COURT OF KARNATAKA

SENIOR CIVIL JUDGE AND JMFC AT MADHUGIRI., AWARDING COMPENSATION OF Rs.11,54,000 /- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellant -insurer seeking quantum of compensation awarded in judgment and award dated 28.10.2025 passed in MVC No.243/2022 by the Additional Senior Civil Judge and MACT, Madhugiri.

2. Even though the appeal is listed today for admission, it is taken up for disposal.

3. The appellants made a claim petition praying to award compensation for the death of Eswarappa in a road traffic accident occurred on 14.11.2021 contending that the accident occurred due to rash and negligent driving of the driver of motor cycle Passion Plus bearing registration No.KA-06/ED-2328. The Tribunal after recording the

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evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

1.	Loss of dependency	Rs.9,45,000-00
2.	Funeral expenses	Rs.16,500-00
3.	Loss of Estate	Rs.16,500-00
4.	Loss of Parental Consortium (44,000x)	Rs.1,76,000-00
	Total	**Rs.11,54,000-00**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.3 -insurer to deposit the award amount with interest. The insurer has filed appeal challenging quantum of compensation awarded by the Tribunal.

5. Heard learned counsel for appellant -insurer. Respondent Nos.1 to 4, inspite of service of notice remained absent and unrepresented.

6. The counsel for the appellant wound contend that the claimants are all major sons of the deceased and

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they are not dependent on the deceased and therefore, the deductions towards personal expense of the deceased is to be taken at 50% as per decision of Hon'ble Apex Court in the case of ***New India Assurance Co. Ltd Vs Vinish Jain and others[1].***

7. The Tribunal has deducted 1/4th towards personal expense of the deceased. The Tribunal has erred in deducting 1/4th towards personal expense of the deceased since claimants are the major sons of the deceased and they are not dependent on the deceased. Therefore, the deduction towards personal expenses is 50%. The Tribunal has taken notional income at Rs.15,000/- per month. The deceased was aged 65 years and therefore, multiplier applicable is '7'. In view of the same, loss of dependency is calculated as under:

Rs.15,000/- less 50% = Rs.7,500/- x12x7 =Rs.6,30,000/-

[1] In 2018 ACJ 1004

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8. Therefore, claimants are entitled to loss of dependence in a sum of Rs.6,30,000/- as against Rs.9,45,000/- as awarded by the Tribunal. The compensation awarded by the Tribunal has to be reduced by Rs.3,15,000/-. Therefore, claimants are entitled to total compensation of Rs.8,39,000/- as against Rs.11,54,000/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.3 before the Tribunal is liable to pay the said compensation with interest.

9. In view of the above, the following

ORDER

i) The appeal is ***allowed in part.***

ii) Claimants are entitled to total compensation of Rs.8,39,000/- as against Rs.11,54,000/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realization.

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iii) The insurer (respondent No.3 before the Tribunal) shall deposit the said compensation with interest before the Tribunal within a period of 06 weeks from this day including the amount already deposited.

iv) The share of claimants in the compensation and order of release passed by the Tribunal remained unaltered.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 33
Ct.sm