



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.6349 OF 2018(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.3225 OF 2018(MV-D)

IN MFA No. 6349/2018

BETWEEN:

SMT. LINGARAJAMMA
W/O LATE S.P SUBBANNA,
AGE: 72 YEARS
R/O SOMALLI VILLAGE
BEGUR HOBLI,
GUNDLUPET TALUK-571 111.

...APPELLANT

(BY SMT. B.N. MANJULA, ADVOCATE FOR
SRI. NAGARAJA R.C, ADVOCATE)



AND:

1. NAVEEN KUMAR D
S/O DODDAIAH
AGE : 26 YEARS
R/O # 218, 2ND MAIN
KATARAYANAGAR,
BENGALURU-560 085
2. BYRAPPA H
S/O HANUMANATHAIAH C
AGE: 47 YEARS



NO.45, 4TH CROSS,
NEW BANK COLONY,
KONANAKUNTE POST,
K K PURAM ROAD,
BENGALURU-560 036

3. THE RELIANCE GENERAL INSURANCE CO LTD
570, NAIGNUM CROSS ROAD
NEXT TO ROYAL INDUSTRIAL ESTATE,
WADAL (W) MUMBAI-400 031
BRANCH OFFICE
1ST FLOOR, MYSORE TRADE CENTRE,
L36/D, OPP., KSRTC BUS STAND,
MYSURU, KARNATAKA REP BY
ITS BRANCH MANAGER
PIN-570 001

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R3,
VIDE COURT ORDER DATED 28.01.2021,
NOTICE TO R1 & R2 ARE DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 16/03/2018, PASSED IN MVC
NO.197/2016, ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC., & MACT, GUNDLUPET, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

IN MFA NO. 3225/2018

BETWEEN:

M/S RELIANCE GENERAL
INSURANCE CO LTD
NO. 570, NAINGNUM CROSS ROAD,
NEXT TO ROYAL INDUSTRIAL ESTATE
WADAL (W), MUMBAI - 400 031
REP BY ITS MANAGER LEGAL



REGIONAL OFFICE NO. 28, 5TH FLOOR,
EAST WING, CENTENARY BUILDING
M.G.ROAD, BANGALOARE - 560 001.

...APPELLANT

(BY SRI. D VIJAYAKUMAR, ADVOCATE)

AND:

1. SMT LINGARAJAMMA
W/O LATE S.P.SUBBANNA
AGED ABOUT 72 YEARS,
R/A SOMAHALLI VILLAGE
BEGUR HOBLI, GUNDLUPET
2. NAVEEN KUMAR D
S/O DODDAIAH
AGED ABOUT 26 YEARS,
#218, 2ND MAIN,
KATARAYANAGAR,
BENGALURU.
3. BYRAPPA H
S/O HANUMANTHAIAH C
AGED ABOUT 45 YEARS,
NO. 45, 4TH CROSS, NEW BANK COLONY,
KONANKUNTE POST, K.K.PURAM ROAD,
BENGALURU - 560 078.

...RESPONDENTS

(BY SMT. B.N. MANJULA, ADVOCATE FOR
SRI. NAGARAJA R C, ADVOCATE FOR R1,
VIDE COURT ORDER DATED 14.08.2023
NOTICE TO R2 IS DISPENSED WITH
R3-SERVED-UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED:16.03.2018 PASSED
IN MVC NO.197/2016 ON THE FILE OF THE SENIOR CIVIL
JUDGE AND J.M.F.C., MACT, GUNDLUPET, AWARDED
COMPENSATION OF RS.16,42,800/- WITH INTEREST AT
6% P.A. FROM THE DATE OF PETITION TILL THE DATE OF
REALIZATION.



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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

1. In respect of an accident, which is not in dispute and which has occurred on 20.12.2015, the Tribunal has awarded a sum of Rs.16,42,800/- as compensation for the death of one Shantamurthy, who was an advocate by profession. As a consequence, both the insurer as well as the claimant are in appeal in MFA.No.3225/2025 and MFA.6349/2018 respectively.

2. Learned counsel for the insurer contended that the Tribunal has erred in holding the driver of the offending vehicle negligent, though the accident had occurred mainly due to the rash and negligent riding of the motorcycle by the deceased, who was riding the motorcycle without wearing helmet. As such, the Tribunal has erred in saddling the liability on the insurer and that the



compensation awarded by the Tribunal is exorbitant. Thus, he prays to allow the appeal filed by the insurer absolving the liability of the insurer.

3. On the other hand, learned counsel for the claimant contended that the sums awarded by the Tribunal under different heads are meager and that the Tribunal has not properly assessed the income of the deceased, who was a practicing advocate having 8 years of practice. Thus, he prays to allow the appeal of the claimant by enhancing the compensation.

4. Having regard to the fact that the claimant examined the eyewitness to the accident i.e., PW.2, who, in his cross-examination deposed that the accident had occurred due to the rash and negligent driving of the driver of offending vehicle and having regard to the fact that the insurer has failed to examine the driver of the offending vehicle with regard to negligence and taking into consideration the final report of the Inspector, which reveals that the accident had occurred due to the



negligent driving by the driver of the offending vehicle, we are of the opinion that the Tribunal has rightly made liable the insurer for the negligent act of the driver of the offending vehicle.

5. As regards non-wearing of helmet at the time of accident by the deceased, the same cannot be considered as a ground to contributory negligence. As such, we find no fault in the findings recorded by the Tribunal with regard to attribution of negligence on the driver of the offending vehicle.

6. It is pertinent to state here that the legal heirs of the deceased - pillion rider of the motorcycle in question has also filed an appeal before this Court in MFA.No.5503/2018, which was allowed in part and wherein the insurer has not disputed the accident so also the negligence on the part of the driver of the offending vehicle.

7. As far as compensation is concerned, the Tribunal has determined the notional income of the deceased at



Rs.12,000/-. As there is no credible evidence to ascertain the actual monthly income of the deceased, having regard to the age, education and avocation of the deceased that he was a practicing advocate at the time of accident, which occurred in the year 2015, we are of the opinion that it would be appropriate to assess the notional income of the deceased at Rs.20,000/-.

8. As the deceased was aged 34 years, multiplier to be adopted is '16' and as per the judgment of **NATIONAL INSURANCE COMPANY LIMITED VS. PRANAY SETHI & OTHERS - (2017) 16 SCC 680**, 40% requires to be added to the notional income, which makes the income of the deceased to be Rs.28,000/-. Since the deceased was a bachelor, 50% requires to be deducted towards personal expenses, which makes his income to be Rs.14,000/-. Consequently, the claimant would be entitled to Rs.26,88,000/- (Rs.14,000/- X 12 X 16) towards **loss of dependency**.

9. The claimant being the mother of the deceased, she would be entitled to Rs.48,400/- towards loss of



consortium and Rs.36,300/- under conventional heads as per the judgment in the case of ***Pranay Sethi*** cited supra.

10. Thus, the claimant, in modification of the impugned award, would be entitled to the following sums:

Sl.	Particulars	Amount (In Rs.)
1.	Loss of Dependency	26,88,000
2.	Loss of Consortium	48,400
3.	Conventional Heads	36,300
	Total	27,72,700

10. Thus, the claimant would be entitled for compensation of **Rs.27,72,700/-** as against Rs.16,42,800/- awarded by the Tribunal, along with interest at the rate of 6% per annum from the date of petition till its realization.

11. The Insurance Company is directed to deposit the amount of compensation awarded within a period of two



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months from the date of receipt of a certified copy of this judgment.

12. The amount in deposit shall be transferred to the Tribunal.

13. Accordingly, the appeal of the insurer is ***dismissed*** and the appeal of the claimant is ***allowed***.

SD/-
(D K SINGH)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 50