



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 24<sup>TH</sup> DAY OF MAY, 2023**

**BEFORE**

**THE HON'BLE MRS. JUSTICE M.G.UMA**

MISCELLANEOUS FIRST APPEAL NO. 25227/2011 C/W  
MISCELLANEOUS FIRST APPEAL NO. 25372/2011  
MISCELLANEOUS FIRST APPEAL NO. 25373/2011  
MISCELLANEOUS FIRST APPEAL NO. 20928/2012  
MISCELLANEOUS FIRST APPEAL NO. 20929/2012  
MISCELLANEOUS FIRST APPEAL NO. 20930/2012  
MISCELLANEOUS FIRST APPEAL NO. 20931/2012  
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MISCELLANEOUS FIRST APPEAL NO. 20935/2012  
MISCELLANEOUS FIRST APPEAL NO. 23548/2012  
MISCELLANEOUS FIRST APPEAL NO. 23549/2012  
MISCELLANEOUS FIRST APPEAL NO. 23550/2012  
MISCELLANEOUS FIRST APPEAL NO. 23551/2012 AND  
MISCELLANEOUS FIRST APPEAL NO. 23552/2012 (MV)



**IN MFA NO. 25227/2011**

**BETWEEN:**

SUNUGAR GANESH S/O S. RANGAPPA,  
AGE: 27 YEARS, OCC: CLEANER,  
R/O:TAMBRAHALLI, HAGARIBOMMANAHALLI  
TALUK, DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUNESHWARIAH S/O GURUSIDDIAH,  
OCC:DRIVER, OCC: DRIVER OF MAXI CAB,



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**MFA No. 25372/2011, MFA No. 25373/2011,**  
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**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINAHADAGALI POST, DIST: BELLARY.

2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
R/O: D.NO. 132, 2<sup>ND</sup> COLONY, HAMPASAGARA,  
HUVINAHADAGALI TALUK, DIST: BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
DRIVER OF CAR BEARING NO. KA-35/M-2952,  
OCC: DRIVER R/O: KEB OFFICE,  
H.B. HALLI TALUK, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO-TOKIO,  
GENERAL INSURANCE CO. LTD.,  
DIST: BELLARY.
6. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD, OPP.TONTADARYA MUTT, GADAG,  
BY ITS BRANCH MANAGER,  
NATIONAL INSURNACE CO.LTD.,  
PARVATHI NAGAR, BELLARY.

...RESPONDENTS

(BY SRI. H. N. GULARADDI, ADVOCATE FOR R1 AND R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
SMT. VEENA HEGDE, ADVOCATE FOR R6;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.540/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
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**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

**IN MFA NO. 25372/2011**

**BETWEEN:**

A. VANAIAKSHAMMA W/O KALMETPPA,  
AGE. 51 YEARS, OCC: AGRICULTURAL COOLIE,  
R/O: TAMBRAHALLI, HAGARIBOMMANAHALLI TALUK,  
DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUNESHWARIAH, S/O GURUSIDDAIAH,  
AGE: MAJOR, OCC: DRIVER OF MAXI CAB,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINAHADAGALI POST, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA, HUVINAHADAGALI TALUK,  
DIST: BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
DRIVER OF CAR BEARING NO. KA-35/M-2952,  
R/O: KEB OFFICE, H.B. HALLI TALUK,  
DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.
6. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD,OPP.TONTADARYA MUTT,



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**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
PARVATHI NAGAR, BELLARY.

...RESPONDENTS

(BY SRI. H. N. GULARADDI, ADVOCATE FOR R1 AND R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
SMT. VEENA HEGDE, ADVOCATE FOR R6;  
NOTICE TO R3 AND R4 IS DISPENSED WITH)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.541/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 25373/2011**

**BETWEEN:**

KUM. NALINI D/O K. LALITHA,  
W/O K.JAGADISH, AGE: 11 YEARS,  
REP. BY HER NATURAL MOTHER AND GUARDIAN,  
R/O TAMBRAHALLI, HAGAIBOMMANAHALLI TALUK,  
DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUNESHWARIAH, S/O GURUSIDDAIAH,  
AGE: MAJOR, OCC: DRIVER OF MAXI CAB,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINAHADAGALI POST, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748,  
R/O: D.NO. 132, 2<sup>ND</sup> COLONY, HAMPASAGARA,  
HUVINAHADAGALI TALUK, DIST: BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
DRIVER OF CAR BEARING NO. KA-35/M-2952,



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**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

R/O: KEB OFFICE, H.B. HALLI TALUK,  
DIST: BELLARY.

4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.
6. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD,OPP.TONTADARYA MUTT, GADAG,  
BY ITS BRANCH MANAGER,  
NATIONAL INSURNACE CO.LTD.,  
PARVATHI NAGAR, BELLARY.

...RESPONDENTS

(BY SRI. H. N. GULARADDI, ADVOCATE FOR R1 AND R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
SMT. VEENA HEGDE, ADVOCATE FOR R6;  
NOTICE TO R3 AND R4 IS DISPENSED WITH)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.542/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 20928/2012**

**BETWEEN:**

1. H. M. MOUNESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748, R/O: KANDAGAL,  
SUKNAHALLI (P), HUVINAHADAGALI POST,  
TQ: HUVINA HADAGALI, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC:OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,



**MFA No. 25227/2011 C/W**  
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**MFA No. 20930/2012, MFA No. 20931/2012,**  
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**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

2<sup>ND</sup> COLONY, HAMPASAGARA, TQ: HUVINA HADAGALI,  
DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**

1. SUNUGAR GANESH S/O S. RANGAPPA,  
AGE: 28 YEARS, OCC: CLEANER,  
R/O:TAMBRAHALLI, TQ:HAGARIBOMMANAHALLI,  
DIST: BELLARY.
2. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD,OPP.TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURNACE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952, R/O: KEB OFFICE,  
TQ: H.B. HALLI, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
AGE: YEARS OCC: OWNER OF CAR  
BEARING NO. KA-35/M-2952, R/O. 64,  
ULVATTI VILLAGE, TQ:H.B. HALLI, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
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**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

NO.540/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 20929/2012**

**BETWEEN:**

1. H. M. MOUNESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748, R/O: KANDAGAL,  
SUKNAHALLI (P), HUVINAHADAGALI POST,  
TQ: HUVINA HADAGALI, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**

1. A. VANAJAKSHAMMA W/O KALMETPPA,  
AGE. 52 YEARS, OCC: AGRICULTURAL,  
R/O: TAMBRAHALLI, HAGARIBOMMANAHALLI  
TALUK, DIST: BELLARY.
2. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD,OPP.TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O: KEB OFFICE, H.B. HALLI,  
TQ: H.B. HALLI, DIST: BELLARY.



**MFA No. 25227/2011 C/W**  
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**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
AGE: YEARS OCC: OWNER OF CAR  
BEARING NO. KA-35/M-2952, R/O. 64,  
ULVATTI VILLAGE, TQ:H.B. HALLI,  
DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
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NO.541/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 20930/2012**

**BETWEEN:**

1. H. M. MOUNESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748, R/O: KANDAGAL,  
SUKNAHALLI (P), HUVINAHADAGALI POST,  
TQ: HUVINA HADAGALI, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC:OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**





**MFA No. 25227/2011 C/W**  
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**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

1. KUM. NALINI W/O K.JAGADISH,  
AGE: 12 YEARS, OCC: NIL,  
SINCE MINOR REPRESENTED BY HER  
NATURAL GUARDIAN MOTHER IE;  
K. LALITHA W/O K. JAGADISH, AGE:40 YEARS,  
OCC: NOT KNOWN, R/O. TAMBRAHALLI,  
TQ: HAGARIBOMMANAHALLI, DIST: BELLARY.
2. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD,OPP.TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURNACE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O: KEB OFFICE, H.B. HALLI,  
TQ: H.B. HALLI, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
AGE: YEARS OCC: OWNER OF CAR  
BEARING NO. KA-35/M-2952, R/O. 64, ULVATTI VILLAGE,  
TQ: H.B. HALLI, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
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**AND MFA No. 23552 of 2012**

**IN MFA NO. 20931/2012**

**BETWEEN:**

1. H. M. MOUNESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALI (P),  
HUVINAHADAGALI POST,  
TQ: HUVINA HADAGALI, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**

1. D. DEVAPPA AT DEVENDRAPPA,  
S/O POMPANNA,  
AGE: 27 YEARS, OCC: AGRICULTURE,  
R/O: TAMBRAHALI,  
TQ: HAGARIBOMMANAHALLI, DIST: BELLARY.
2. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD, OPP. TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O: KEB OFFICE, H.B. HALLI,  
TQ: H.B. HALLI, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,



**MFA No. 25227/2011 C/W**  
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**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

AGE: YEARS OCC: OWNER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
TQ:H.B. HALLI, DIST: BELLARY.

5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD.,  
DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 AND R4 IS DISPENSED WITH)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.543/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY & ETC.

**IN MFA NO. 20932/2012**

**BETWEEN:**

1. H. M. MOUNESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINAHADAGALI POST,  
TQ: HUVINA HADAGALI, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

1. G.SHANTHAMMA W/O G. KOTRESH,  
AGE: 48 YEARS, OCC: AGRICULTURE,  
R/O: TAMBRAHALLI, TQ: HAGRIBOMMANAHALLI,  
DIST: BELLARY.
2. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD,OPP.TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952, R/O: KEB OFFICE,  
H.B. HALLI, TQ: H.B. HALLI, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
AGE: YEARS OCC: OWNER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
TQ:H.B. HALLI, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.544/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

**IN MFA NO. 20933/2012**

**BETWEEN:**

1. H. M. MOUNESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINAHADAGALI POST, TQ: HUVINA HADAGALI,  
DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748,  
R/O: D.NO. 132, 2<sup>ND</sup> COLONY, HAMPASAGARA,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**

1. PARAVATHAMMA AT PARAMMA,  
W/O KOTRESH, AGE: 57 YEARS, OCC: AGRICULTURE,  
R/O: TAMBRAHALLI, TQ: HAGRIBOMMANAHALLI,  
DIST: BELLARY.
2. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD, OPP.TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O: KEB OFFICE, H.B. HALLI,  
TQ: H.B. HALLI, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
AGE: YEARS OCC: OWNER OF CAR



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
TQ:H.B. HALLI, DIST: BELLARY.

5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD.,  
DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.545/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 20934/2012**

**BETWEEN:**

1. H. M. MOUESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748, R/O: KANDAGAL,  
SUKNAHALLI (P), HUVINA HADAGALI POST,  
TQ: HUVINA HADAGALI, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC:OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748,  
R/O: D.NO. 132, 2<sup>ND</sup> COLONY, HAMPASAGARA,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**

1. PARAVATHAMMA W/O LATE VIRUPANNA,  
AGE: 67 YEARS, OCC: AGRICULTURE,



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

R/O: TAMBRAHALLI, TQ: HAGARIBOMMANAHALLI,  
DIST: BELLARY.

2. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
STATION ROAD,OPP.TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURNACE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O: KEB OFFICE, H.B. HALLI,  
TQ: H.B. HALLI, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
AGE: YEARS OCC: OWNER OF CAR  
BEARING NO. KA-35/M-2952, R/O. 64,  
ULVATTI VILLAGE, TQ:H.B. HALLI, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.546/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 20935/2012**

**BETWEEN:**

1. H. M. MOUESHWARIAH S/O GURUSIDDAIAH,  
AGE: 35 YEARS, OCC: DRIVER OF MAXI CAB,



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINA HADAGALI POST,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

2. T. NARYANA S/O T. VASAPPA,  
AGE: 46 YEARS, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748,  
R/O: D.NO. 132, 2<sup>ND</sup> COLONY, HAMPASAGARA,  
TQ: HUVINA HADAGALI, DIST: BELLARY.

...APPELLANTS

(BY SRI. H.N. GULARADDI, ADVOCATE)

**AND:**

1. D. VANAJAKSHAMMA W/O NINGANAGOUDA,  
AGE: 52 YEARS, OCC: AGRICULTURE,  
R/O: 2<sup>ND</sup> SHIGENAHALLI, BANNIGOLA POST,  
TQ: HAGARIBOMMANAHALLI, DIST: BELLARY.
2. THE BRANCH MANAGER,  
NATIONAL INSURANCE COMPANY LTD.,  
STATION ROAD, OPP.TONTADARYA MATH,  
GADAG, BY ITS BRANCH MANAGER,  
NATIONAL INSURANCE CO.LTD.,  
PARVATHI NAGAR, BELLARY.
3. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O: KEB OFFICE, H.B. HALLI,  
TQ: H.B. HALLI, DIST: BELLARY.
4. TALVAR ANITHA D/O B.DEVENDRAPPA,  
AGE: YEARS OCC: OWNER OF CAR  
BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
TQ:H.B. HALLI, DIST: BELLARY.
5. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD.,





**MFA No. 25227/2011 C/W  
MFA No. 25372/2011, MFA No. 25373/2011,  
MFA No. 20928/2012, MFA No. 20929/2012,  
MFA No. 20930/2012, MFA No. 20931/2012,  
MFA No. 20932/2012, MFA No. 20933/2012,  
MFA No. 20934/2012, MFA No. 20935/2012,  
MFA No. 23548/2012, MFA No. 23549/2012,  
MFA No. 23550/2012, MFA No. 23551/2012,  
AND MFA No. 23552 of 2012**

DIST: BELLARY.

...RESPONDENTS

(BY SRI. JADAI MANJUNATH, ADVOCATE FOR R1;  
SMT. VEENA HEGADE, ADVOCATE FOR R2;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R5;  
NOTICE TO R3 IS DISPENSED WITH,  
NOTICE TO R4 IS SERVED)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.547/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 23548/2012**

**BETWEEN:**

D.DVAPPA AT DEVENDRAPPA, S/O POMPANNA,  
AGE: 27 YEARS, OCC: AGRICULTURAL COOLIE,  
R/O TAMBRAHALLI, HAGARIBOMMANAHALLI TALUK,  
DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUESHWARIAH S/O GURUSIDDAIAH,  
AGE: MAJOR, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINA HADAGALI POST, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748,  
R/O: D.NO. 132, 2<sup>ND</sup> COLONY, HAMPASAGARA,  
HUVINAHADAGALI TALUK, DIST: BELLARY.
3. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO., LTD.,  
PARVATHI NAGAR, BELLARY.



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

4. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952, R/O: KEB OFFICE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
H.B.HALLI TALUK, DIST: BELLARY.
6. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD.,  
DIST: BELLARY.

...RESPONDENTS

(BY SMT. VEENA HEGADE, ADVOCATE FOR R3;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R6;  
NOTICE TO R1, R2 AND R5 IS SERVED;  
NOTICE TO R4 IS DISPENSED WITH)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.543/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 23549/2012**

**BETWEEN:**

G. SHANTHAMMA W/O G. KOTRESH,  
AGE: 48 YEARS, OCC: AGRICULTURAL COOLIE,  
R/O TAMBRAHALLI, HAGARIBOMMANAHALLI TALUK,  
DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUESHWARIAH S/O GURUSIDDAIAH,  
AGE: MAJOR, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

HUVINA HADAGALI POST, DIST: BELLARY.

2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA, HUVINAHADAGALI TALUK,  
DIST: BELLARY.
3. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO., LTD.,  
PARVATHI NAGAR, BELLARY.
4. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952, R/O: KEB OFFICE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
H.B.HALLI TALUK, DIST: BELLARY.
6. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD.,  
DIST: BELLARY.

...RESPONDENTS

(BY SRI. RAVINDRA R. MANE, ADVOCATE FOR R6;  
SMT. VEENA HEGDE, ADVOCATE FOR R3;  
NOTICE TO R1, R2 AND R5 IS SERVED;  
NOTICE TO R4 - D/W)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.544/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 23550/2012**

**BETWEEN:**

PARVATHMMA AT PARAMMA W/O KOTRAPPA,



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

AGE: 57 YEARS, OCC: AGRICULTURAL COOLIE,  
R/O TAMBRAHALLI, HAGARIBOMMANAHALLI TALUK,  
DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUESHWARIAH S/O GURUSIDDAIAH,  
AGE: MAJOR, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINA HADAGALI POST, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748,  
R/O: D.NO. 132, 2<sup>ND</sup> COLONY, HAMPASAGARA,  
HUVINAHADAGALI TALUK, DIST: BELLARY.
3. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO., LTD.,  
PARVATHI NAGAR, BELLARY.
4. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952, R/O: KEB OFFICE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
H.B.HALLI TALUK, DIST: BELLARY.
6. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.

...RESPONDENTS

(BY NOTICE TO R1, R2 AND R5 ARE SERVED;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R6;  
SMT. VEENA HEGDE, ADVOCATE FOR R3;  
NOTICE TO R4 IS DISPENSED WITH)



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
**MFA No. 23548/2012, MFA No. 23549/2012,**  
**MFA No. 23550/2012, MFA No. 23551/2012,**  
**AND MFA No. 23552 of 2012**

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C. NO.545/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 23551/2012**

**BETWEEN:**

PARVATHMMA W/O LATE VIRUPANNA,  
AGE: 67 YEARS, OCC: AGRICULTURAL COOLIE,  
R/O TAMBRAHALLI, HAGARIBOMMANAHALLI  
TALUK, DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUESHWARIAH S/O GURUSIDDAIAH,  
AGE: MAJOR, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINA HADAGALI POST, DIST: BELLARY.
2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA, HUVINAHADAGALI TALUK,  
DIST: BELLARY.
3. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO., LTD.,  
PARVATHI NAGAR, BELLARY.
4. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952, R/O: KEB OFFICE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,



**MFA No. 25227/2011 C/W**  
**MFA No. 25372/2011, MFA No. 25373/2011,**  
**MFA No. 20928/2012, MFA No. 20929/2012,**  
**MFA No. 20930/2012, MFA No. 20931/2012,**  
**MFA No. 20932/2012, MFA No. 20933/2012,**  
**MFA No. 20934/2012, MFA No. 20935/2012,**  
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R/O. 64, ULVATTI VILLAGE,  
H.B.HALLI TALUK, DIST: BELLARY.

6. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD.,  
DIST: BELLARY.

...RESPONDENTS

(BY NOTICE TO R1, R2 AND R5 ARE SERVED;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R6;  
SMT. VEENA HEGDE, ADVOCATE FOR R3;  
NOTICE TO R4 IS DISPENSED WITH)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.546/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY AND ETC.

**IN MFA NO. 23552/2012**

**BETWEEN:**

D. VANAJSHAMMA W/O NINGANAGOUDA,  
AGE: 52 YEARS. OCC: AGRICULTURAL COOLIE,  
R/O: SHINGENAHALLI, BANNIGOLA POST,  
HAGARIBOMMANAHALLI TALUK,  
DIST: BELLARY.

...APPELLANT

(BY SRI. JADAI MANJUNATH, ADVOCATE)

**AND:**

1. H. M. MOUESHWARIAH,  
S/O GURUSIDDIAH,  
AGE: MAJOR, OCC: DRIVER OF MAXI CAB,  
BEARING REGN. NO. K.A.34/M-2748,  
R/O: KANDAGAL, SUKNAHALLI (P),  
HUVINA HADAGALI POST,  
DIST: BELLARY.



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**MFA No. 20932/2012, MFA No. 20933/2012,**  
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2. T. NARYANA S/O T. VASAPPA,  
AGE: MAJOR, OCC: OWNER OF MAXI CAB,  
BEARING REG.NO.KA-34/2748, R/O: D.NO. 132,  
2<sup>ND</sup> COLONY, HAMPASAGARA,  
HUVINAHADAGALI TALUK,  
DIST: BELLARY.
3. THE BRANCH MANAGER,  
NATIONAL INSURANCE CO., LTD.,  
PARVATHI NAGAR, BELLARY.
4. GANESHA P. S/O GOVINDAPPA,  
AGE: YEARS, OCC: DRIVER OF CAR  
BEARING NO. KA-35/M-2952, R/O: KEB OFFICE,  
H.B. HALLI TALUK, DIST: BELLARY.
5. TALVAR ANITHA D/O B.DEVENDRAPPA,  
OWNER OF CAR BEARING NO. KA-35/M-2952,  
R/O. 64, ULVATTI VILLAGE,  
H.B.HALLI TALUK, DIST: BELLARY.
6. THE BRANCH MANAGER, IFFCO - TOKIO,  
GENERAL INSURANCE CO. LTD., DIST: BELLARY.

...RESPONDENTS

(BY NOTICE TO R1, R2 AND R5 ARE SERVED;  
SRI. RAVINDRA R. MANE, ADVOCATE FOR R6;  
SMT. VEENA HEGDE, ADVOCATE FOR R3;  
NOTICE TO R4 IS DISPENSED WITH)

THIS MFA IS FILED U/SEC.173(1) OF M.V. ACT 1988, AGAINST  
THE JUDGMENT AND AWARD DATED:18.04.2011, PASSED IN M.V.C.  
NO.547/2010 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS  
TRIBUNAL-IX, BELLARY, PARTLY ALLOWING THE CLAIM PETITION  
FOR COMPENSATION AND SEEKING ENHANCEMENT OF  
COMPENSATION AND ETC.

THESE APPEALS, COMING ON FOR FINAL HEARING, THIS DAY,  
THE COURT DELIVERED THE FOLLOWING:



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MFA No. 20930/2012, MFA No. 20931/2012,  
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MFA No. 20934/2012, MFA No. 20935/2012,  
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### **JUDGMENT**

M.F.A. Nos. 25227/2011, 25372/2011, 25373/2011, 23548/2012, 23549/2012, 23550/2012, 23551/2012 and 23552/2012 were filed by the claimants seeking enhancement of the compensation, whereas M.F.A. Nos. 20928/2012, 20929/2012, 20930/2012, 20931/2012, 20932/2012, 20933/2012, 20934/2012 and 20935/2012 were filed by the driver and owner of the offending vehicle, i.e., maxi cab bearing reg. no. KA-34/M-2748 challenging saddling of liability to pay compensation on them as per the impugned common judgment and awards dated 18.04.2011 passed by the Fast Track Court-I and MACT-IX, Bellary (hereinafter referred to as the Tribunal) in M.V.C. Nos. 540/2010 to 547/2010.

Parties are referred to as per their ranks before the Tribunal.

2. Brief facts of the cases as stated in the claim petitions are as under:

On 14.08.2009 claimants were traveling in the Maxi Cab bearing Reg. No. KA-35/2748 from Tambrihalli to Hospet. The





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driver was driving the vehicle in a rash and negligent manner and when they reached near Pinjarhedal village, the car bearing no. KA-35/M-2952 came from the opposite direction in rash and negligent manner and both the vehicles collided causing the accident. As a result of the same, the maxi cab in which the claimants were traveling went out of the road and turtled. As a result, they sustained injuries. The injured were shifted to Government Hospital, H.B. Halli and thereafter shifted to Chigateri General Hospital, Davanagere and City Hospital, Davanagere. The driver, owner and the insurer of the Maxi Cab were arrayed as respondents Nos.1, 2 and 3 respectively and the respondents Nos. 4, 5 and 6 are the driver, owner and insurer of the car in question. Thus, the claimants have filed petitions claiming compensation for the injuries sustained.

3. Upon service of notice owner, driver and insurer of the respective vehicles put in their appearance. Respondent No.3-insurer of the maxi cab filed objection statements denying the contentions of the claimants regarding the cause of accident



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and denying the liability to pay the compensation. Respondent No.6 who is the insurer of the car contended that driver of the maxi cab was not holding valid and effective licence to drive the vehicle and thus sought for dismissal of the claim petitions as against it.

4. On the basis of the pleadings of the parties, the Tribunal framed the following common issues and additional issues.

#### COMMON ISSUES

1. Whether the petitioner proves that, accident was due to rash and negligent driving by the respondent No.1 being the driver of the Maxi-Cab bearing Reg. No. KA-35/2748 took place on 14.08.2009 at about 9.45 a.m. near Pinjar hegdal village on H.B. Halli-Hospet road which dashed to car bearing Reg. No. KA-34/M-2952 came from opposite direction being driven by respondent as a result petitioners sustained injuries as mentioned in the wound certificates?
2. Whether the petitioner proves that, she is entitled for compensation? If so; what is the quantum and from whom?
3. What order?

#### ADDITIONAL ISSUES

1. Whether the respondent No.6 insurance company proves that, the respondent No.4 being the driver of the car



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bearing Reg. No. KA-35/M-2952 was not holding valid effective driving license, as such, insurance company is not liable to pay compensation?

2. Whether the respondent No.6 insurance company proves that, car bearing Reg. No. KA-35/M-2952 is a private vehicle which was being used to ply other than the private purposes in violating the policy conditions as such insurance company is not liable to pay any compensation?
3. Whether the respondent No. 3 proves that, respondent No.1 was not holding valid and effective driving licence to drive Maxi-cab bearing Reg. No. KA-35/2748 on the date of accident?
4. Whether the respondent No.3 proves that, Maxi Cab being a private vehicle which was being used to ply other than the private purpose in violating the policy conditions as such insurance company is not liable to pay compensation?

5. The petitioners in all these claim petitions were examined before the Tribunal as PWs.1 to 8, other three witnesses as per PW9 to 11 and got marked documents as per Exs.P.1 to P.236.

6. On behalf of the respondents No.3 and 6, i.e., insurers of the offending vehicles, RW1 and 2 were examined and got marked four documents as per Exs.R.1 to R4.



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7. The Tribunal after going through all these materials on record answered issue no.1 in the affirmative, issue no.2 partly in the affirmative, additional issue nos.1, 2 and 4 in the negative, and the additional issue no.3 in the affirmative and thus awarded compensation under different heads and fastened liability on respondents no.1 and 2 to the extent of 2/3<sup>rd</sup> of the compensation payable and on respondents no. 4 to 6 to pay compensation to an extent of 1/3<sup>rd</sup>. The Tribunal dismissed the claim of the claimants as against the respondent No.3-National Insurance Company Ltd.

8. Being dissatisfied with the quantum of compensation awarded by the Tribunal, the claimants have preferred appeals seeking enhancement of compensation. Respondents No.1 and 2, i.e., driver and owner, have preferred appeals challenging the liability to pay compensation.

9. I have heard Sri Jadai Manjunath, learned counsel for the appellants-claimants, Sri Ravindra R. Mane, learned counsel for the respondent No.5-IFFCO-TOKIO General Insurance Co. Ltd.,



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Smt. Veena Hegde, learned counsel for respondent No. 6- National Insurance Co. Ltd., and perused the materials on record including the trial Court records.

10. Learned counsel for the appellants in 1st set of appeals contended that the appellant in M.F.A. No. 20928/2012, 20929/2012, 20930/2012, 20931/2012, 20932/2012, 20933/2012, 20934/2012 and 20935/2012 is the owner of the offending vehicle, i.e., maxi cab bearing no. KA-35/2748 which is a light motor vehicle. The driver had the valid driving licence to drive the same. But inspite of that the Tribunal exonerated the Insurance Company from the liability to pay compensation.

11. Learned counsel places reliance on the decision in ***Mukund Dewangan V. Oriental Insurance Co. Ltd.***,<sup>1</sup> in support of his contention that driving licence held by the driver was valid and there is no violation of any terms of the insurance policy and therefore the insurance company is to be held liable.

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<sup>1</sup> **2017 ACJ 2011**



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12. Per contra, learned counsel Smt. Veena Hegde, for the insurer submits that since there was no endorsement in the driving licence to enable the driver to drive the transport vehicle, the Tribunal rightly exonerated the insurance company from paying compensation. There is no reason to interfere with the impugned award passed by the Tribunal. Hence, she prays for dismissal of all these appeals.

13. The short question that falls for consideration in these appeals is:

"Whether the appellant-Insurance Company in these appeals could be exonerated from the liability to pay compensation only on the ground that there is no transport endorsement found on the driving licence of the driver of the offending vehicle?"

14. My answer to the above is in the 'Negative' for the following

#### REASONS

15. The Hon'ble Apex Court in **Mukund Dewangan** (supra), considered the similar situation and discussed at length about



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the liability of the insurance company and arrived at a conclusion by answering the question that are referred to, as under:

- (i) 'Light motor vehicle' as defined in [section 2\(21\)](#) of the Act would include a transport vehicle as per the weight prescribed in [section 2\(21\)](#) read with [section 2\(15\)](#) and [2\(48\)](#). Such transport vehicles are not excluded from the definition of the light motor vehicle by virtue of [Amendment Act No.54/1994](#).
- (ii) A transport vehicle and omnibus, the gross vehicle weight of either of which does not exceed 7500 kg. would be a light motor vehicle and also motor car or tractor or a road roller, 'unladen weight' of which does not exceed 7500 kg. and holder of a driving licence to drive class of "light motor vehicle" as provided in [section 10\(2\)\(d\)](#) is competent to drive a transport vehicle or omnibus, the gross vehicle weight of which does not exceed 7500 kg. or a motor car or tractor or road-roller, the "unladen weight" of which does not exceed 7500 kg. That is to say, no separate endorsement on the licence is required to drive a transport vehicle of light motor vehicle class as enumerated above. A licence issued under [section 10\(2\)\(d\)](#) continues to be valid after [Amendment Act 54/1994](#) and 28.3.2001 in the form.
- (iii) The effect of the amendment made by virtue of Act No.54/1994 w.e.f. 14.11.1994 while substituting clauses (e) to (h) of [section 10\(2\)](#) which contained "medium goods vehicle" in [section 10\(2\)\(e\)](#), medium passenger motor vehicle in [section 10\(2\)\(f\)](#), heavy goods vehicle in [section 10\(2\)\(g\)](#) and "heavy passenger motor vehicle" in [section 10\(2\)\(h\)](#) with expression 'transport vehicle' as substituted in [section 10\(2\)\(e\)](#) related only to the aforesaid substituted classes only. It does not exclude transport vehicle, from the purview



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of [section 10\(2\)\(d\)](#) and [section 2\(41\)](#) of the Act i.e. light motor vehicle.

(iv) The effect of amendment of Form 4 by insertion of "transport vehicle" is related only to the categories which were substituted in the year 1994 and the procedure to obtain driving licence for transport vehicle of class of "light motor vehicle" continues to be the same as it was and has not been changed and there is no requirement to obtain separate endorsement to drive transport vehicle, and if a driver is holding licence to drive light motor vehicle, he can drive transport vehicle of such class without any endorsement to that effect.

(emphasis supplied)

16. In view of this decision it is no longer **res integra** and therefore contention of the learned counsel for the respondent Nos.1 and 2 who are the appellants, will have to be accepted. As a result, 1st set of appeals should succeed. The finding of the Tribunal that the insurance company should be exonerated from its liability to pay compensation is to be set aside and it is to be held that there is no violation of the terms of the policy and therefore the owner and the insurance company are jointly and severally liable to pay compensation.





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17. In view of the above, I answer the point in the Negative and it is held that the insurer of the maxi cab is liable to indemnify the owner by paying the compensation.

18. In M.F.A. No. 25227/2011, M.F.A. No. 25372/2011, M.F.A. No. 25373/2011, M.F.A. No. 23548/2012, M.F.A. No. 23549/2012, M.F.A. No. 23550/2012, M.F.A. No. 23551/2012 and M.F.A. No. 23552/2012, the claimants have contended that they have suffered injuries as set out in the respective wound certificates, they have spent huge amounts, undergone surgery, lost income, etc. The Tribunal has not taken into consideration the said fact and proceeded to award meager compensation and hence they are before this Court seeking for enhancement of the compensation. In view of the same, point that would arise for consideration is:

***Whether the claimants/ appellans in the 2nd set of appeals are entitled for enhancement of compensation?***



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19. My answer to the above point is partly in the affirmative for the following;

REASONS

IN M.F.A. No. 23550/2012, 23551/2012 & 23552/2012

20. The claimants in these appeals have not suffered any disability. The Tribunal has awarded global compensation and there is no reason to hold that the said compensation is either unjust or unreasonable. Therefore, I do not find any reason to interfere with the same. Hence, these appeals are liable to be dismissed.

IN M.F.A. No. 25227/2011

21. Learned counsel for the appellant who is the claimant before the Tribunal submits that the claimant was aged 26 years and was working as a Cleaner. He had suffered two fractures and was treated as inpatient for two months. The compensation awarded by the Tribunal is on lower side and the same is to be enhanced.



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22. Per contra, learned counsel for respondent No.5-insurer justifying the award passed by the Tribunal contended that just and reasonable compensation is awarded and there is no reason to interfere with the same.

23. The claimant was aged 26 years and it is stated that he is a cleaner. The accident had occurred during 2009. In the absence of any material to prove income of the injured, as per Lok Adalath guidelines, the notional income of Rs.5,000/- could be taken into consideration. As per Ex.P.5-the wound certificate, the petitioner had sustained only one fracture, i.e., fracture of humerus. Exs.P.6 and P.7 are the discharge summaries, according to which the injured was treated as inpatient from 14.08.2009 to 12.09.2009 and 17.09.2009 to 20.09.2009, i.e., for about 60 days. Therefore, the compensation towards pain and suffering could be awarded at Rs.50,000/-. The medical expenses awarded by the Tribunal at Rs.35,000/- is quite reasonable. The Tribunal awarded compensation towards attendant charges at Rs.10,000/-,



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towards nourishment and nursing charges a sum of Rs.5,000/-, conveyance and transport, a sum of Rs.2,000/-. On all these three heads the compensation awarded is on the lower side. Therefore the total compensation of Rs.30,000/- could be awarded taking into consideration the duration of treatment undergone by the claimant. Loss of income during laid up period is to be awarded at Rs.15,000/- Loss of income due to disability could be assessed at Rs.5,000/-  $\times 12 \times 17 \times 20\% =$  Rs.2,04,000/-. The compensation towards future medical expenses at Rs.10,000/- is awarded by the Tribunal, which is just and reasonable. Compensation towards loss of amenities could be awarded at Rs.30,000/-. Therefore, the claimant is entitled for the following amount as compensation.

Sl. No.	Particulars	Amount
1.	Pain and suffering	50,000.00
2.	Medical expenses	35,000.00
3.	Attendant charges, nursing charges, nourishing food, transport charges	30,000.00
4.	Loss of income during laid up period	15,000.00
5.	Future medical expenses	10,000.00



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6.	Loss of amenities	30,000.00
7.	Loss of future income	2,04,000.00
8.	Towards marriage prospects	25,000.00
	Total	3,99,000.00

The Tribunal has awarded compensation of Rs.3,69,080/-  
Hence, the claimant is entitled for enhanced compensation of  
Rs.29,920/-

**In M.F.A. No. 25373/2011**

24. The claimant in M.V.C. No. 542/2010 is a minor aged 11 years represented by her natural guardian-mother. The Tribunal considered the compensation under various heads on the basis of the materials that are placed before the Tribunal that she sustained injury which resulted in permanent disability to the whole body to an extent of 25% and awarded compensation of Rs.1,68,000/-.

25. Learned counsel for the appellant-claimant placed reliance on the decision of the Apex Court in **Master**



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MFA No. 20932/2012, MFA No. 20933/2012,  
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**Mallikarjun V. Divisional Manager, the National Insurance Company Limited & Anr.<sup>2</sup>** wherein the Apex Court laid down guidelines in assessing the compensation in case of children suffering disability on account of motor vehicle accident and held that in case of a minor if the disability is above 10% and upto 30% to the whole body, the compensation of Rs. 3 lakhs could be awarded. In the present case, PW11- the Doctor who treated the injured given his evidence regarding physical disability. Ex.P.182-the X-Ray disclose mal union of the bones at the fracture site. He opined that the percentage of disability is 25% to the whole body. There is nothing on record to disbelieve this version. By applying the principles laid down in **Master Mallikarjun** (supra), I am of the opinion that the claimant is entitled for compensation of Rs.3 lakhs since the permanent partial disability to the whole body is above 10% and below 30%. However, she is also entitled for compensation of Rs.35,000/-towards medical expenses and a sum of Rs.25,000/- towards loss of income to the parents

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<sup>2</sup> AIR 2014 SC 736



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MFA No. 20930/2012, MFA No. 20931/2012,  
MFA No. 20932/2012, MFA No. 20933/2012,  
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during hospitalization of the minor injured. Therefore, the claimant is entitled for compensation of Rs.3,60,000/- with interest at 6% p.a. from the date of claim petition till the date of realisation as against Rs.1,68,000/- awarded by the Tribunal.

26. Considering the age of the claimant at the time of filing the petition, she has already attained majority. Therefore, the claimant who is now a major, is entitled for receiving the compensation.

**In M.F.A. No. 23548/2012 (M.V.C. No. 543/2010):**

27. The claimant in the present case sustained multiple fracture of left hand, knee, forearm and right shoulder in the road traffic accident. Ex.P.189 is the wound certificate and Ex.P.195 is the case sheet. Nature of injury leads to a conclusion that it is grievous in nature. The case sheet discloses that K-Wire was fixed to the left little finger and he incurred medical expenses towards his treatment. Looking to the nature of injury and the treatment taken, reasonable amount of compensation of Rs.20,000/- towards pain and



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suffering, Rs.10,000/- towards medical expenses, Rs.10,000/- towards attendant and other incidental expenses could be taken into consideration.

28. The claimant was aged 25 years. The accident had occurred during 2009. It is stated that the claimant was an agricultural coolie. In the absence of any material to prove the income adopting the guidelines to settle the cases before the Lokadalath, his income could be taken at Rs.5,000/- per month.

29. The claimant examined PW11-the Doctor who issued disability certificate as per Ex.P.190. It is the evidence of PW11 that there is dislocation of the left Distal Inter Phalangeal Joint, wasting of muscles of forearm and deformity of left little finger with restricted movement at the left Distal Inter Phalangeal Joint associated with pain and assessed the disability at 10%. Considering the nature of the injury and the evidence of PW11, disability to the whole body could be taken as 5%. Since age of the claimant was 25 years, the appropriate multiplier would





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be '18'. Therefore, the claimant is entitled for Rs.54,000/- towards loss of future earning (Rs.5,000/- x 12 x 18 x 5/100).

30. The claimant is also entitled for Rs.20,000/- towards loss of amenities, Rs.10,000/- towards loss of income during the laid up period. The total compensation is as under:

Sl. No.	Particulars	Amount
1.	Pain and suffering	20,000.00
2.	Medical expenses	10,000.00
3.	Attendant charges, nursing charges, nourishing food, transport charges	10,000.00
4.	Loss of income during laid up period	10,000.00
5.	Loss of amenities	20,000.00
6.	Loss of future income	54,000.00
	Total	1,24,000.00

Therefore, the claimant is entitled for compensation of Rs.1,24,000/- with interest at 6% p.a. from the date of claim petition till the date of realisation as against Rs.61,900/- awarded by the Tribunal.



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**In M.F.A. No. 25372/2011 (M.V.C. No. 541/2010):**

31. The injured is examined as PW2 and he produced Ex.P.63, the wound certificate which discloses that she has sustained fracture of Superior and Inferior Pubic Ramy right hip. Ex.P.62 is the discharge card issued by the Bapuji Hospital, Davanagere to show that she was treated as inpatient from 14.08.2009 till 05.09.2009. PW11-the Doctor deposed regarding permanent disability suffered by the claimant by issuing disability certificate as per Ex.P.64. It is his evidence that the claimant suffered permanent partial disability to the whole body to an extent of 15%. Since the claimant suffered mal union of right inferior and superior pubic ramy fracture, the disability to the whole body could be taken at 10%. Considering the nature of injury and length of treatment taken by the claimant, she is entitled for compensation of Rs.40,000/- towards pain and suffering, Rs.20,000/- towards attendance, traveling and other incidental expenses, and a sum of Rs.30,000/- towards loss of income during laid up period.



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32. The claimant was aged 52 years. The accident had occurred during 2009. It is stated that the claimant was an agricultural coolie. In the absence of any material to prove the income adopting the guidelines to settle the cases before the Lokadalath, his income could be taken at Rs.5,000/- per month. The appropriate multiplier is '11'. The compensation towards loss of future income would be Rs.66,000/- (Rs.5,000/-x12x11x10/100).

33. Apart from medical expenses of Rs.10,700/-, a sum of Rs.5,000/- towards future medical treatment is awarded by the Tribunal, which is just and proper. The total compensation for which the claimant is entitled to is as under:

Sl. No.	Particulars	Amount
1.	Pain and suffering	40,000.00
2.	Medical expenses	10,700.00
3.	Attendant charges, nursing charges, nourishing food, transport charges	20,000.00
4.	Loss of income during laid up period	15,000.00
5.	Future medical expenses	5,000.00



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6.	Loss of amenities	30,000.00
7.	Loss of future income	66,000.00
	Total	1,86,700.00

34. Therefore, the claimant is entitled for compensation of Rs.1,86,700/- with interest at 6% p.a. from the date of claim petition till the date of realisation as against Rs.1,02,300/- awarded by the Tribunal.

**In M.F.A. No. 23549/2012 (M.V.C. No. 544/2010):**

35. The injured claimant examined himself as PW5. The wound certificate is produced as per Ex.P.196. The discharge card issued by Bapuji Hospital is as per Ex.P.197. The case sheet is as per Ex.P.210. The claimant suffered fracture of left superior and inferior pubic ramy. PW11 is examined to prove the permanent disability suffered. He was treated as inpatient for six days. According to the medical evidence, the claimant suffered disability at 15%. Considering the medical records and the oral evidence the permanent disability to the whole body could be taken at 10%.



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MFA No. 20932/2012, MFA No. 20933/2012,  
MFA No. 20934/2012, MFA No. 20935/2012,  
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36. It is stated that the claimant was aged 46 years. The accident had occurred during 2009. It is stated that the claimant was an agricultural coolie. In the absence of any material to prove the income adopting the guidelines to settle the cases before the Lokadalath, his income could be taken at Rs.5,000/- per month. The appropriate multiplier is '13'. The compensation towards loss of future income would be Rs.78,000/- (Rs.5,000/-x12x13x10/100).

37. Apart from the above, the claimant is entitled for Rs.30,000/- towards pain and suffering, Rs.20,000/- towards loss of amenities, Rs.3,600/- towards medical expenses, Rs.5,000/- towards future medical expenses, Rs.15,000/- towards loss of income during laid up period, a sum of Rs.10,000/- towards attendant, traveling and other incidental expenses. The total compensation for which the claimant is entitled to is as under:



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Sl. No.	Particulars	Amount
1.	Pain and suffering	30,000.00
2.	Medical expenses	3,600.00
3.	Attendant charges, nursing charges, nourishing food, transport charges	10,000.00
4.	Loss of income during laid up period	15,000.00
5.	Future medical expenses	5,000.00
6.	Loss of amenities	20,000.00
7.	Loss of future income	78,000.00
	Total	1,61,600.00

38. Therefore, the claimant is entitled for compensation of Rs.1,61,600/- with interest at 6% p.a. from the date of claim petition till the date of realisation as against Rs.96,400/- awarded by the Tribunal.

39. For the aforesaid reasons, I proceed to pass the following order.

#### ORDER

Appeals filed by the appellant, i.e., the owner of the offending vehicle, i.e., car bearing no. KA-35/2748, in M.F.A. No. 20928/2012, 20929/2012, 20930/2012, 20931/2012,



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20932/2012, 20933/2012, 20934/2012 and 20935/2012 are allowed and it is held that the insurer of the maxi cab is liable to indemnify the owner by paying the compensation.

The appeal filed by the appellant-claimant in M.F.A. No. 25227/2011 is allowed in part. The impugned judgment and award passed by the learned Presiding Officer, Fast Track Court-I, Member, MACT-IX, Bellary, in M.F.A. No. 540/2010 is modified holding that the claimant is entitled for compensation of Rs.3,99,000/- as against Rs.3,69,080/- awarded by the Tribunal with interest at 6% p.a. from the date of petition till realisation.

The appeal filed by the appellant-claimant in M.F.A. No. 25373/2011 is allowed in part. The impugned judgment and award passed by the learned Presiding Officer, Fast Track Court-I, Member, MACT-IX, Bellary, in M.F.A. No. 542/2010 is modified holding that the claimant is entitled for compensation of Rs.3,60,000/- as against Rs.1,68,000/- awarded by the Tribunal with interest at 6% p.a. from the date of petition till



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realisation. Out of the total compensation amount, 50% of the same shall be released in her favour and the remaining amount shall be invested in fixed deposit for a period of five years with liberty to draw periodical interest accrued on such deposits.

The appeal filed by the appellant-claimant in M.F.A. No. 23548/2012 is allowed in part. The impugned judgment and award passed by the learned Presiding Officer, Fast Track Court-I, Member, MACT-IX, Bellary, in M.F.A. No. 543/2010 is modified holding that the claimant is entitled for compensation of Rs.1,24,000/- as against Rs.61,900/- awarded by the Tribunal with interest at 6% p.a. from the date of petition till realisation.

The appeal filed by the appellant-claimant in M.F.A. No. 25372/2011 is allowed in part. The impugned judgment and award passed by the learned Presiding Officer, Fast Track Court-I, Member, MACT-IX, Bellary, in M.F.A. No. 541/2010 is modified holding that the claimant is entitled for compensation of Rs.1,02,300/- as against Rs.84,400/- awarded by the





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Tribunal with interest at 6% p.a. from the date of petition till realisation.

The appeal filed by the appellant-claimant in M.F.A. No. 23549/2012 is allowed in part. The impugned judgment and award passed by the learned Presiding Officer, Fast Track Court-I, Member, MACT-IX, Bellary, in M.F.A. No. 544/2010 is modified holding that the claimant is entitled for compensation of Rs.1,61,700/- as against Rs.96,400/- awarded by the Tribunal with interest at 6% p.a. from the date of petition till realisation.

The appeals filed by the appellants-claimants in M.F.A. No. 23550/2012, M.F.A. No. 23551/2012 and M.F.A. No. 23552/2012 are dismissed.

Respondent No.6 before the Tribunal, i.e., IFFCO-TOKIO General Insurance Company Ltd., insurer of the offending car bearing reg. no. KA-35-M-2952, is directed to deposit the entire compensation amount along with upto date interest within two months from the date of preparation of the award.



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Statutory amount deposited by the appellant-owner of the offending vehicle, i.e., car bearing no. KA-35/2748, in M.F.A. No. 20928/2012, 20929/2012, 20930/2012, 20931/2012, 20932/2012, 20933/2012, 20934/2012 and 20935/2012, shall be refunded on proper identification.

Registry to draw award accordingly.

Send back the trial Court records with a copy of this judgment and award.

**SD/-**  
**JUDGE**

BVV  
List No.: 2 Sl No.: 5