



NC: 2024:KHC-D:1723
MFA No. 23703 of 2013
C/W MFA.CROB No. 100081 of 2014

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 22ND DAY OF JANUARY, 2024
BEFORE
THE HON'BLE MR JUSTICE V.SRISHANANDA
MISCELLANEOUS FIRST APPEAL NO. 23703 OF 2013 (MV)
C/W
MFA CROSS OBJ NO. 100081 OF 2014

IN MFA NO.23703 OF 2013:

BETWEEN:

1. THE MANAGING DIRECTOR N.W.K.R.T.C.,
GOKUL ROAD, HUBLI.
2. THE SELF INSURANCE FUND, NWKRTC.,
GOKUL ROAD, HUBLI.

...APPELLANTS

(BY SRI.P.G.CHIKKANARGUND REPRESENTED
SRI.C.R.MENSINKAI, ADVOCATES)

AND:

1. SMT. SHIVALEELA W/O. CHANABASAPPA ITAGI
AGE: 48 YEARS, OCC: HOUSEHOLD WORK.
2. MAHANTESH S/O. CHANABASAPPA ITAGI
AGE: 30 YEARS OCC: STUDENT.
3. NAGARATHNA D/O. CHANABASAPPA ITAGI
AGE: 25 YEARS, OCC: STUDENT,

ALL ARE R/O: SANKLIPUR, TQ: KUNDGOL,
DIST: DHARWAD.

...RESPONDENTS

(BY SRI.SADASHIV S.PATIL, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT 1988 AGAINST THE
JUDGMENT AND AWARD DATED 21-01-2013 PASSED IN MVC
NO.11/2008 ON THE FILE OF III-ADDL. SENIOR CIVIL JUDGE AND
MEMBER, ADDL. MACT, HUBLI, AWARDED THE COMPENSATION OF
RS.6,00,000/- WITH INTEREST AT THE RATE OF 6% P.A., FROM THE
DATE OF PETITION TILL ITS REALISATION.



NC: 2024:KHC-D:1723
MFA No. 23703 of 2013
C/W MFA.CROB No. 100081 of 2014

IN MFA CROB NO.100081 OF 2014:

BETWEEN:

1. SMT. SHIVALEELA
W/O. CHANABASAPPA ITAGI,
AGE: 49 YEARS, OCC: HOUSEHOLD,
R/O: SANKILPUR, TQ: KUNDAGOL,
DIST: DHARWAD.
2. MAHANTESH S/O. CHANABASAPPA ITAGI
AGE: 31 YEARS, OCC: HOUSEHOLD,
R/O: SANKILPUR, TQ: KUNDAGOL,
DIST: DHARWAD.
3. NAGARATHNA D/O. CHANABASAPPA ITAGI
AGE: 26 YEARS, OCC: STUDENT,
R/O: SANKILPUR, TQ: KUNDAGOL,
DIST: DHARWAD.

...CROSS-OBJECTORS

(BY SRI. SADASHIV S. PATIL, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
NWKRTC, GOKUL ROAD, HUBLI
2. SELF INSURANCE FUND,
NWKRTC, GOKUL ROAD, HUBLI.

...RESPONDENTS

(BY SRI.P.G.CHIKKANARGUND REPRESENTED
SRI.C.R.MENSINKAI, ADVOCATES)

THIS MFA CROB. IN MFA NO.23703/2013 IS FILED U/ORDER
41 RULE 22 OF C.P.C. AGAINST THE JUDGMENT AND AWARD DATED
21.01.2013 PASSED IN MVC NO.11/2008 ON THE FILE OF THE III
ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT, HUBLI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, THE
COURT DELIVERED THE FOLLOWING:



NC: 2024:KHC-D:1723
MFA No. 23703 of 2013
C/W MFA.CROB No. 100081 of 2014

JUDGMENT

Heard Sri.P.G.Chikkanargund for Sri.C.R.Menasinkai,
counsel and Sri.Sadashiv S. Patil, counsel.

2. Though the matter is listed for admission, with the
consent of the learned counsel for the parties, matters are
taken up for final disposal.

3. This appeal and cross objection are arising out of the
judgment and award passed in MVC No.11/2008 dated
21.01.2013 on the file of III Addl. Senior Civil Judge and
Addl. MACT, Hubballi.

4. Facts in brief which are necessary for disposal of the
present appeal are as under:

4.1. Iranna S/o Channabasappa itagi died in a road traffic
accident involving NWKRTC bus bearing No.KA-25/F-862
on 04.11.2007 at 3 p.m. Parents and siblings are the
dependants of said Iranna.



NC: 2024:KHC-D:1723
MFA No. 23703 of 2013
C/W MFA.CROB No. 100081 of 2014

4.2 Appellants/claimants laid a claim for awarding appropriate compensation.

4.3 Tribunal after raising necessary issues recorded the evidence of first claimant and two more witnesses and the driver of the bus, allowed the claim petition in part and granted compensation in a sum of Rs.6,00,000/- with 6% interest from the date of petition till realization.

5. Being aggrieved by the same, NWKRTC and the claimants are in appeal.

6. Learned counsel for the NWKRTC Sri.C.R.Meenasikai sought for reducing the quantum of compensation.

7. Per contra, Sri.Sadashiv S.Patil, Sought for enhancement of compensation on the ground that the tribunal has not taken into consideration the future prospectus as per the dictum of Hon'ble Apex Court in the case of **National Insurance Company Limited vs. Pranay Sethi and Others** reported in **AIR 2017 SC 5157, United India Insurance Company Limited vs.**



NC: 2024:KHC-D:1723
MFA No. 23703 of 2013
C/W MFA.CROB No. 100081 of 2014

Satinder Kaur alias Satwinder Kaur and Others reported in **AIR 2020 SC 3076** and **Magma General Insurance Company Limited vs. Nanu Ram and Others** reported in **2018 ACJ 2782** and sought for enhancement of compensation.

8. In view of the rival contentions of the parties, this court has perused the material on record meticulously.

9. On such perusal of the material on record, it is found that there is no dispute that Iranna died accidental death involving KSRTC bus bearing No.KA-25/F-862.

10. Admittedly, Iranna was aged 24 years and he was a bachelor. Therefore, in the absence of proper proof of income for the accidental death for the year 2007, tribunal ought to have considered a monthly income in a sum of Rs.4,000/- and is required to add 40% as per **Pranay Sethi and Others(supra)**. Therefore, income would be Rs.5600/- p.m. Since, he is bachelor 50% thereof is to be reduced.



NC: 2024:KHC-D:1723
MFA No. 23703 of 2013
C/W MFA.CROB No. 100081 of 2014

11. Further, tribunal failed to consider the grant of compensation under the head filial affection. Hence, a case is made out for reassessment of compensation which is reassessed as under:

Sl.No.	Name of heads	Amount(Rs.)
1	Loss of dependency	7,56,000-00
2	Conventional head	30,000-00
3	Towards loss of love and affection	1,20,000-00
	Total	9,06,000-00

12. In view of the foregoing discussion, the following:

ORDER

- i) NWKRTC appeal is dismissed.
- ii) MFA Cross objection filed by the claimants is allowed.
- iii) As against compensation of Rs.6,00,000/- claimants are entitled for compensation of Rs.9,06,000/- with interest at 6% from the date of petition till realization.



NC: 2024:KHC-D:1723
MFA No. 23703 of 2013
C/W MFA.CROB No. 100081 of 2014

- iv) Amount in deposit is ordered to be transmitted to the tribunal.
- v) Four weeks time is granted to NWKRTC to deposit balance amount of compensation.

Sd/-
JUDGE

HMB
List No.: 1 Sl No.: 29