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Channegowda vs Singrigowda

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Court : Karnataka

Decided On : Nov-28-2025

Judge : D K Singh,Rajesh Rai K

Appeal No. : MFA/6245/2018

Appellant : Channegowda

Respondent : Singrigowda

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF NOVEMBER, 2025 PRESENT THE HON'BLE MR. JUSTICE D K SINGH AND THE HON'BLE MR. JUSTICE RAJESH RAI K MISCELLANEOUS FIRST APPEAL NO.6245 OF 2018(MV-D) C/W MISCELLANEOUS FIRST APPEAL NO.8484 OF 2017(MV-D) IN MFA No. 6245/2018 BETWEEN: CHANNEGOWDA AGED 50 YEARS SINCE DED BY LRS

1. LAKSHMAMMA AGED ABOUT 54 YEARS W/O LATE CHANNEGOWDA Digitally signed by PANKAJA S

2. KESHAVEGOWDA Location: HIGH COURT OF AGED ABOUT 37 YEARS KARNATAKA S/O LATE CHANNEGOWDA

3. GEETHA AGED ABOUT 34 YEARS D/O LATE CHANNEGOWDA

4. NAGARAJA

S/O LATE CHANNEGOWDA AGED ABOUT 33 YEARS ALL ARE R/A YAREHALLI VILLAGE MANCHANAHALLI POST, -2- KASABA HOBLI HASSAN TALUK APPELLANTS (BY SMT. KAVITHA H.C, ADVOCATE) AND:

1. SINGRIGOWDA S/O LATE MELEGOWDA R/O B KATIHALLI VILLAGE GAVENHALLI POST, KASABA HOBLI HASSAN-573 201 (OWNER OF MOTOR BIKE BEARING REGISTRATION NO.KA-13-L-9381)

2. THE MANAGER THE NEW INDIA ASSURANCE COMPANY LIMITED, CHANDANA COMPLEX HARSHA MAHAL ROAD, HASSAN POLICY NO.673401311201014891 VALID 27.03.2013 TO 26.03.2014 RESPONDENTS (BY SRI. A.N. KRISHNASWAMY, ADVOCATE FOR R2, R1 - SERVED - UNREPRESENTED) MFA FILED U/S 173(1) OF MV ACT AGAINST THE

JUDGMENT AND AWARD DATED: 03.06.2017 PASSED IN MVC

NO.1219/2014 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE & MACT, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION. IN MFA NO. 8484/2017 BETWEEN:

1. THE MANAGER THE NEW INDIA ASSURANCE CO.LTD., CHANDANA COMPLEX, HARSHA MAHAL ROAD, HASSAN, -3- NOW REPRESENTED BY ITS, REGIONAL MANAGER, NEW INDIA ASSURANCE CO.LTD., REGIONAL OFFICE, 2-B, UNITY BUILDING ANNEXE, P. KALINGA RAO ROAD, BENGALURU-560 027 ...APPELLANT (BY SRI. A.N KRISHNASWAMY,

ADVOCATE) AND: CHANNEGOWDA SINCE DEAD BY LRS

1. SMT. LAKSHMAMMA, W/O LATE CHANNEGOWDA, AGED ABOUT 53 YEARS,

2. KESHAVEGOWDA S/O LATE CHANNEGOWDA, NOW AGED ABOUT 36 YEARS

3. GEETHA D/O LATE CHANNEGOWDA, NOW AGED ABOUT 33 YEARS

4. NAGARAJA S/O LATE CHANNEGOWDA, NOW AGED ABOUT 32 YEARS ALL R/O YAREHALLI VILLAGE, MANICHANAHALLI POST, KASABA HOBLI, HASSAN-573 201

5. SINGRIGOWDA

S/O LATE MELEGOWDA, MAJOR, R/O KATIHALLI VILLAGE, GAVENHALLI POST, KASABA HOBLI, -4- HASSAN-573 201 ...RESPONDENTS (BY SMT. KAVITHA H.C, ADVOCATE FOR R1-R4, R5 - SERVED - UNREPRESENTED) THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.06.2017 PASSED IN MVC NO.1219/2014 ON THE FILE OF II ADDITIONAL SENIOR CIVIL JUDGE & MACT, HASSAN. AWARDING COMPENSATION OF RS.6,61,185/- WITH INTEREST @ 8%P.A. FROM THE DATE OF PETITION TILL REALIZATION. THESE APPEALS, COMING ON FOR FINAL 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 occurred on 17.02.2014 and facts, which are not in dispute, the Tribunal vide

judgment and award dated 03.06.2017 has awarded a

sum of Rs.6,61,185/- as compensation towards the death of one Channegowda, who was a pillion rider. Aggrieved by the award, the claimants have filed MFA.6245/2018 seeking enhancement of compensation, the insurer has filed MFA.8484/2018 challenging the liability and quantum. -5-

2. The learned counsel for the claimants contended that

the sums awarded by the Tribunal under different heads are meager. He also contended that the Tribunal has not properly assessed the income of the deceased, who was working as a Watchman, Coolie and Agriculturist and was earning Rs.25,000/- per month. As such, he prays to allow the appeal of the claimants by enhancing the compensation and dismiss the appeal of the insurer.

3. To buttress her arguments as regards the nexus between the injury and death and the consequent prosecution of claim petition by the legal representatives, she relied on the following judgments:

1. Afsana and Others vs. Kundu Knit Fab Pvt. Ltd. and another - 2022 ACJ 754;

2. Dhannalal Alias Dhanraj (Dead) Thr. LRs. vs. Nasir Khan and Others - 2025 SCC OnLine 2083;

4. Per contra, learned counsel for the insurer contended

that the Tribunal has grossly erred in saddling liability on -6- the insurer though the death of Channegowda had no nexus with the injuries sustained by him in the accident occurred on 17.02.2014, that too when said Channegowda died on 09.05.2015 nearly after 15 months from the date of the accident. He also contended that the sums awarded under different heads and the award of interest are exorbitant. He also contended that the Tribunal has failed to notice the provisions of Section 306 of Indian Succession Act before permitting the claimants-the legal heirs of deceased to come on record. As such, he prays to allow the appeal of the insurer and dismiss the appeal of the claimants.

5. We have carefully perused the impugned award and also the Trial Court records.

6. The accident in question is not in dispute. However,

the death of Channegowda due to the accident is in dispute. As could be gathered from records, the accident had occurred on 17.02.2014 and Channegowda died on -7- 09.05.2015 i.e., much later after his discharge while his wounds were not completely healed. Further, as per the evidence of the Doctor, septicemia or death due to fat embolism can occur as sudden event. Even he has opined that the risk of heart attack is more with the persons who suffered amputation and that amputation may lead to depression and other diseases. Since, Channegowda was bedridden and had suffered septicemia, there is strong probability that Channegowda died due to the direct result

of injuries sustained by him in the accident. The judgment

cited supra supports the aforesaid aspect.

7. Further, as the relationship between the deceased

Channegowda and the claimants is not in dispute, the contention of the learned counsel for the insurer that they are not entitled for compensation cannot be accepted. As such, we are of the opinion that the Tribunal has rightly come to the conclusion that the death was due to the -8- accident and has rightly saddled the liability on the insurer.

8. As regards quantum of compensation, since the

accident was of the year 2014, it would be appropriate to adopt the notional income determined by the Karnataka State Legal Services, which would be Rs.8,500/-. Since the deceased was aged 58 years as on the date of the accident and was self employed, 10% requires to be added towards future prospects and the multiplier to be adopted is '9' and 1/3rd requires to be deducted towards personal expenses. Thus, the claimants would be entitled to the loss of dependency at Rs.6,73,272/- (Rs.8,500 + 10% -

9. The claimant No.1, being the wife is only entitled for

Rs.48,400/- towards loss of consortium as the other claimants were not dependent on the deceased. The claimants were also entitled for Rs.36,300/- under conventional heads as per the judgment in the case of -9- NATIONAL INSURANCE COMPANY LIMITED VS. PRANAY SETHI & OTHERS - (2017) 16 SCC 680.

10. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums: Sl. Amount Particulars (In Rs.)

1. Loss of Dependency 6,73,272

2. Loss of Consortium 48,400

3. Conventional Heads 36,300 Total 7,57,972

11. Thus, the claimants would be entitled for

compensation of Rs.7,57,972/- as against the compensation awarded by the Tribunal at Rs.6,61,185/- along with interest at the rate of 6% per annum instead of 8% p.a. from the date of petition till its realization. - 10 -

12. The insurer is directed to deposit the amount of compensation awarded within a period of two months from the date of receipt of a certified copy of this judgment.

13. The amount in deposit, if any, before this Court shall be transferred to the Tribunal.

14. The apportionment of compensation would be in terms of the award of the Tribunal.

15. Accordingly, the appeal of the claimants and the appeal of the insurer are allowed in part. SD/- (D K SINGH) JUDGE SD/- (RAJESH RAI K) JUDGE PKS List No.: 1 Sl No.: 17

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