

Smt. Sumithra, vs Owner, Dileep Build Constructions Ltd.,

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Court : Karnataka

Decided On : Jul-31-2025

Judge : Lalitha Kanneganti

Appeal No. : MFA/2423/2023

Appellant : Smt. Sumithra,

Respondent : Owner, Dileep Build Constructions Ltd.,

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2025 BEFORE THE HON'BLE
SMT. JUSTICE LALITHA KANNEGANTI MISCELLANEOUS FIRST
APPEAL NO. 2423 OF 2023 (MV-D) BETWEEN:

1. SMT. SUMITHRA, W/O MARISIDDAIAH AGED ABOUT 59 YEARS
2. SRI MARISIDDAIAH

S/O LATE MANCHEGOWDA AGED ABOUT 65 YEARS BOTH ARE
R/AT HULIVANNA VILLAGE KERAGODU HOBLI, MANDYA TALUK

AND DISTRICT-573201. APPELLANTS (BY SRI. GIRISH B. BALADARE., ADV.) AND:

Digitally signed by 1. OWNER, MEGHA MOHAN

KARNATAKA RAMANAGARA DISTRICT-562109.

2. MANAGER,

NATIONAL GENERAL INSURANCE CO. LTD., 1ST FLOOR, NO.1576, V V ROAD, MANDYA-571446. RESPONDENTS (BY SRI. GIRISH B.BALADARE, ADV.) THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE

JUDGMENT AND AWARD DATED 04.04.2022 PASSED IN MVC

-2- NO.889/2020 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MANDYA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION. THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL JUDGMENT

Aggrieved by the award passed in MVC No. 889/2020 dated 04.04.2022, the claimant is before this Court seeking enhancement of the compensation.

2. Learned counsel for the appellant submits that

when he has produced the salary slips at Exs.P16 to P20 and when he has examined the employer to show his income at Rs.16,221/-, and further the deceased was working in Milk Co- operative Society and he also produced pass book from 01.01.2019 to 02.02.2020 in which he was paid Rs.1,16,914.41 and Rs.1,05,262.96, the Court had taken the salary at

Rs.14,500/-. It is submitted that the Court ought to have taken the salary from both i.e. from Arkeshwara Enterprises as well as as per the evidence of Milk Co-operative Societies. It is the submission of learned counsel that the Tribunal had failed -3- to consider the evidence on record in its proper perspective and granted an amount of Rs.23,26,950/- as compensation which is not just and reasonable compensation.

3. Learned counsel appearing for respondent No.2-

Insurance Company submits that as far as Arkeshwara Enterprises is concerned, he examined the employer and the Court has also considered the fact that for the month of January 2020, the salary is Rs.12,285/- and this accident had taken place in the month of February. Just basing on a pay slip which has mentioned the minimum income of Rs.16,221/-, the Court had still considered and as this is an accident of the year 2020, had taken Rs.14,500/- and when it comes to other aspects i.e. with regard to Co-operative Milk Society, except placing the documents, none was examined and the Court was

right in not considering the said aspect. He submits that the claimant is not entitled for compensation.

4. Having heard the counsel on either side and perused the material on record.

5. The Court had taken Rs.14,500/- as income and according to the learned counsel for the appellant, the Court -4- has to consider his two incomes i.e., one is from Arkeshwara Enterprises and other is from the Milk Co-operative Society. Admittedly, from Milk Co-operative Society, he was not

examined, the Court was right in not considering it. Coming to Arkeshwara Enterprises, though it was stated that he was earning Rs.16,221/- and salary slip produced by him shows that in the month of January, 2020, it is Rs.12,285/- and the Court has rightly balanced it by taking the income at Rs.14,500/- and even on that count also, no interference is called for. In that view of the matter, this Court finds no interference and the Tribunal has rightly dismissed the claim petition.

6. Accordingly, this Court is passing the following:

ORDER

1. The appeal is dismissed.
2. All IAs., in this appeal shall stand closed. SD/- (LALITHA KANNEGANTI)
JUDGE SSD List No.: 1 SI No.: 24

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