
(2018) 02 KAR CK 0054
In the Karnataka High Court
Case No : 556 of 2016

THE UNITED INDIA INSURANCE CO. LTD. APPELLANT
Vs
SMT. KAVITHA & ORS. RESPONDENT

Date of Decision : 15-02-2018

Acts Referred:

[Motor Vehicles Act, 1988](#), [Section 166](#),
[Section 166](#) - Application for compensation

Citation : (2018) 02 KAR CK 0054

Hon'ble Judges : K.Somashekar

Bench : Single Bench

Advocate : L. SREEKANTA RAO

Final Decision : Partly Allowed

Judgement

Sl. No,Headings,Amount Rs.

1,Loss of dependency,"11,52,400

2,Loss of Consortium,"50,000

3,Loss of love and affection and care and protection (to minor son of the deceased),"1,00,000

4,Funeral expenses,"25,000

,Total,"13,27,400

judgment of the Apex Court, in the case of Rajesh & others -vs- Rajbir Singh and others (2013 ACJ 1403), the Tribunal added 50% to the,,

income of the deceased towards "future prospectus" to assess the compensation payable towards "loss of dependency". At this stage, in view of",,

the law laid down by the Hon"ble Apex Court in Pranay Sethi"s case at paragraph 61 (iv) and since the deceased was aged 32 years at the time of,,

the accident, 40% of the income is to be added to the actual income of the deceased towards future prospectus. Thus, the compensation payable",,,

to the claimants towards "loss of dependency" would come to Rs.6000+2400=8,400 -1/3 (2,800) =Rs.5600 x12x16=10,75,200) as against",,,

Rs.11,52,400/- awarded by the Tribunal. Now it takes me to the next question as to whether the Tribunal was justified in awarding compensation",,,

of Rs.1,75,000/- towards "loss of consortium", "loss of love and affection to minor son of the deceased" and "funeral expenses". In view of the",,,

law laid down by the Hon'ble Apex Court in paragraph 61 (viii) of Pranay Sethi's case, the maximum/total compensation payable under",,,

conventional heads would be restricted to Rs.70,000/-. Hence, this Court is of the considered view that the Tribunal was not justified in awarding",,,

compensation of Rs.1,75,000/- under conventional heads. Thus, it would be just and proper to award compensation of Rs.70,000/- including the",,,

compensation payable towards "loss of love and affection" under conventional heads viz., Rs.40,000/- towards "loss of consortium" Rs.15,000/-",,,

towards "loss of estate" and Rs.15,000/- towards "funeral expenses". Thus, in all the claimants/respondent Nos. 1 to 3 herein are entitled to total",,,

compensation of Rs.11,45,200/- (Rupees eleven lakhs forty five thousand two hundred only) as against Rs.13,27,400/- awarded by the Tribunal.",,,

The reduction in compensation would come to Rs.1,82,200/- .",,,

9. Accordingly, the appeal is allowed in part. In modification of the impugned Judgment and award dated 20.08.2015, passed by the Motor",,,

Accident Claims Tribunal, the Additional Small Causes and Senior Civil Judge, Mysuru, in M.V.C. No.1229/2012, the compensation payable to",,,

the claimants is reduced from 13,27,400/- to Rs.11,45,200/- (Rupees eleven lakhs forty five thousand two hundred only). The reduced",,,

compensation comes to Rs.1,82,200/- (Rupees one lakh eighty two thousand two hundred only). The insurer-appellant herein shall deposit the",,,

entire compensation amount with accrued interest, before the concerned Tribunal within three months from the date of receipt of a certified copy of",,,

this Judgment. However, the impugned judgment and award of the Tribunal, insofar as it relates to the rate of interest and apportionment is",,,

concerned, shall remain un-altered. The amount in deposit before this Court shall be transmitted to the concerned Tribunal. There shall be no order",,,

as to the costs. Office to draw the decree accordingly.,,