



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>th</sup> DAY OF DECEMBER, 2025**

**BEFORE**

**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**

**MISCELLANEOUS FIRST APPEAL NO. 1835 OF 2019 (MV-I)**

**BETWEEN:**

MRS HEMA KULKARNI  
W/O B V KULKARNI  
AGED ABOUT 65 YEARS,  
OCC: HOUSEWIFE,  
R/O 1, IST MAIN, IST CROSS,  
DOLLARS LAYOUT,  
J P NAGAR, 4<sup>TH</sup> PHASE,  
BENGALURU-560 078.

...APPELLANT

(BY SRI. C.H. JADHAV, SENIOR COUNSEL A/W  
SRI AVISHKAR T AND SRI PRATHITH H.S., ADVOCATES)

**AND:**

1. SRI KISHORE J  
S/O JAGADISH G  
AGED ABOUT 20 YEARS,  
OCC: UNKNOWN  
R/O #794,  
SAMRAT LAYOUT  
AISHWARYA BAKERY ROAD,  
BANNERGHATTA ROAD,  
AREKERE,  
BENGALURU-560 096.
2. NEW INDIA ASSURANCE CO. LTD.,  
BY ITS GENERAL MANAGER  
ADDRESS: 2-B,  
UNITY BUILDINGS

ANNEXE, P.KALINGA RAO ROAD,  
(MISSION ROAD)  
BENGALURU-560 027.

...RESPONDENTS

(BY SMT. KAVITHA D, ADVOCATE FOR R1- ABSENT  
SRI C.R. RAVISHANKAR, ADVOCATE FOR R2)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO CALL FOR RECORDS AND SET ASIDE THAT PART OF THE JUDGEMENT AND AWARD DATED 04.01.2019 PASSED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU IN MVC NO.3205/2017 THEREBY AWARDING INADEQUATE COMPENSATION OF RS.6,98,500/- TO THE APPELLANT WITH INTEREST AT THE RATE OF 6% PER ANNUM, AGAINST THE CLAIM OF THE APPELLANT AND CONSEQUENTLY ENHANCE THE COMPENSATION UPTO RS.15,00,000/- AND TO ORDER TO RECOVER THE SAME FROM THE RESPONDENT NO.2 AND ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.12.2025 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

### **CAV JUDGMENT**

This appeal has been filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988 (in short 'the MV Act') challenging the impugned Judgment and Award dated 04.01.2019 on the file of the XIII Addl.

Judge, Court of Small Causes and Member, MACT, Bengaluru, (for short 'the Tribunal'), in MVC No.3205/2017. The Tribunal has partly allowed the claim petition and awarded a sum of Rs.6,98,500/- with interest at the rate of 6% p.a. from the date of petition till the date of realization, towards grievous injuries sustained by the claimant-appellant in a road traffic accident that occurred on 07.02.2017, which occurred when the petitioner was walking as a pedestrian and rider of motor cycle bearing No.KA-05/JV-4211 ridden in a rash and negligent manner, hit the claimant.

2. The claimant filed a petition under Section 166 of the Act, seeking compensation. It was pleaded that she spent significant amount towards medical expenses, conveyance charges and other related costs. It was further pleaded that the accident occurred solely on account of rash and negligent driving of the motorcycle by its rider.

3. Upon service of notice, the respondents appeared through their counsel and Respondent No.2 filed written

statement denying the averments made in the claim petition.

4. It is observed by the Tribunal that counsel for Respondent No.2-Insurance Company has contended that there is no dispute regarding the ownership of said motorcycle and liability if any, shall be subject to the terms and conditions of policy. It is further contended that the rider of offending vehicle had no valid driving licence as on the date of the accident.

5. On the basis of the pleadings of the parties, the Claims Tribunal framed the issues and thereafter, recorded the evidence. The Tribunal, by impugned judgment and award has partly allowed the claim petition and held that the claimant is entitled to a compensation of Rs.6.98,500/- along with interest at the rate of 6% p.a., and directed the Respondent No.1-owner of motorcycle to deposit the compensation amount along with interest. Being aggrieved, the present appeal has been filed by the claimant.

6. The learned counsel for the appellant-claimant has contended that she was a Home Maker and has suffered traumatic brain injury and other grievous injuries and admitted in Apollo Hospital, Bengaluru as inpatient for 11 days and underwent surgery and other medical procedure. The claimant has examined the Medical Records Assistant of Apollo Hospital, as PW-2 and produced supporting documents. It is contended that the Tribunal erred in not awarding any compensation towards Loss of Future Income and awarded a meager sum of Rs.6,98,500/- as compensation without considering the fact that the claimant has undergone surgery and other medical procedure and advised rest for 06 months.

7. Learned counsel for the claimant has relied upon the following citations in support of his case:

***Kirti and another Vs. Oriental Insurance Company Limited, reported in (2021) 2 SCC 166***

*20. One category of non-earning victims that Courts are often called upon to calculate the compensation for are homemakers. The granting of compensation for homemakers on a pecuniary basis, as in the present case, has been considered by this Court earlier on numerous occasions. A three Judge Bench of this Court in*

*Lata Wadhwa Vs. State of Bihar, while dealing with compensation for the victims of a fire during a function, granted compensation to housewives on the basis of the services rendered by them in the house, and their age. This Court, in that case, held as follows:*

*"10. So far as the deceased housewives are concerned, in the absence of any data and as the housewives were not earning any income, attempt has been made to determine the compensation on the basis of services rendered by them to the house. On the basis of the age group of the housewives, appropriate multiplier has been applied, but the estimation of the value of services rendered to the house by the housewives, which has been arrived at Rs 12,000 per annum in cases of some and Rs 10,000 for others, appears to us to be grossly low. It is true that the claimants, who ought to have given data for determination of compensation, did not assist in any manner by providing the data for estimating the value of services rendered by such housewives. But even in the absence of such data and taking into consideration the multifarious services rendered by the housewives for managing the entire family, even on a modest estimation, should be Rs 3000 per month and Rs 36,000 p.a..." (emphasis supplied)*

*25. The sheer amount of time and effort that is dedicated to household work by individuals, who are more likely to be women than men, is not surprising when one considers the plethora of activities a housemaker undertakes. A housemaker often prepares food for the entire family, manages the procurement of groceries and other household shopping needs, cleans and manages the house and its surroundings, undertakes decoration, repairs and maintenance work, looks after the needs of the children and any aged member of the household, manages budgets and so much more. In rural households, they often also assist in the sowing, harvesting and transplanting activities in the field, apart from tending cattle. However, despite all the above, the conception that housemakers do not "work" or that they do not add economic value to*

*the household is a problematic idea that has persisted for many years and must be overcome.*

***Arvind Kumar Pandey and others Vs. Girish Pandey and another, Civil Appeal No.2512 of 2024 dated 16.02.2024***

7. Assuming that the deceased was not employed, it cannot be disputed that she was a homemaker. Her direct and indirect monthly income, in no circumstances, could be less than the wages admissible to a daily wager in the State of Uttarakhand under the Minimum Wages Act.

8. It goes without saying that the role of a homemaker is as important as that of a family member whose income is tangible as a source of livelihood for the family. The activities performed by a home-maker, if counted one by one, there will hardly be any doubt that the contribution of a home-maker is of a high order and invaluable. In fact, it is difficult to assess such a contribution in monetary terms.

9. Taking into consideration all the attending circumstances, it appears to us that the monthly income of the deceased, at the relevant time, could not be less than Rs.4,000/- p.m. or so. However, instead of calculating the compensation under different heads, and also keeping in mind the fact that the appellants and the respondents are closely related, and the delinquent vehicle was not insured, we deem it appropriate to allow this appeal in part to the extent that the appellants are granted a lump sum compensation of Rs.6,00,000/- (Rupees six lakhs). Since the respondents have already paid the amount of Rs.2,50,000/- to the appellants, the balance amount of Rs.3,50,000/- shall be paid by them within six weeks, failing which they shall be liable to pay interest as awarded by the Tribunal.

**Rabina Vs. Arshad and others**  
**2025:PHHC:058007-FAO-10256-2014**  
**(O & M)**

*Time and again, it has been held by the Courts to determine the compensation, on the basis of services rendered by the homemaker to the house and on the basis thereof, it is held by the Courts that even though there is no data for determination of compensation, but however, taking into consideration, the multifarious services rendered by the housewives for managing the entire family, the value of the services should be assessed and compensation be worked upon.*

*It is necessary to keep in mind that the contribution made by the wife to the house, is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife, with true love and affection to the children and her husband and managing the household affairs, in any manner, cannot be equated with the services rendered by others. However, pecuniary estimate has to be made, with regard to the services of the housewife/mother. In this context, it is held by the Courts that the term "services" is required to be given a broad meaning and must be construed, while taking into account the loss of personal care and attention, given by the deceased to her children, as a mother and to her husband, as a wife.*

**Lrs of Purakh Singh Vs. Narendra Singh**  
**and Others – Civil**  
**Mis.App.No.3057/2017.**

*10. The Hon'ble Apex Court in the catena of judgments has consistently recognized the significant and invaluable contribution of homemakers and has time and again, held that services of homemakers must be given pecuniary value while awarding compensation in motor accident and similar claims. Relevant portions of*

*the said judgments, rendered by the Hon'ble Apex Court, are as follows:-*

***In Lata Wadhwa v. State of Bihar reported in (2001)8 SCC 197:***

*"10. So far as the deceased housewives are concerned, in the absence of any data and as the housewives were not any income, attempt has been made to determine the compensation on the basis of services rendered by them to the house. On the basis of the age group of the housewives, appropriate multiplier has been applied, but the estimation of the value of services rendered to the house by the housewives, which has been arrived at Rs. 12,000 per annum in cases of some and Rs. 10,000 for others, appears to us to be grossly low. It is true that the claimants, who ought to have given data for determination of compensation, did not assist in any manner by providing the data for estimating the value of services rendered by such housewives. But even in the absence of such data and taking into consideration the multifarious services rendered by the housewives for managing the entire family, even on a modest estimation, should be Rs. 3000 per month and Rs. 36,000 per annum*

***In Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218:***

*"26. In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others. A wife/mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small*

*children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc., but she can never be a substitute for a wife/mother who renders selfless service to her husband and children.*

*27. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family, i.e., the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, the term "services" is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife. They are entitled to adequate compensation in lieu of the loss of gratuitous services rendered by the deceased. The amount payable to the dependants cannot be diminished on the ground that some close relation like a grandmother may volunteer to render some of the services to the family which the deceased was giving earlier."*

***In Kirti & Anr. v. Oriental Insurance Company Ltd., 1 S.C.R. 989: undertakes***

*"10. The sheer amount of time and effort that is dedicated to household work by individuals, who are more likely to be women than men, is not surprising when one considers the plethora of activities a housemaker undertakes. A housemaker often prepares food for the entire family, manages the procurement of groceries and other household shopping needs, cleans and manages the house and its surroundings, decoration, repairs and maintenance work, looks after the needs of the children and any aged member of the household, manages budgets and so much more. In rural households, they often also assist in the sowing, harvesting and transplanting activities in the*

*field, apart from tending cattle [See Arun Kumar Agrawal (supra); National Insurance Co. Ltd. v. Minor Deepika rep. by her guardian and next friend, Ranganathan, 2009 SCC OnLine Mad 828]. However, despite all the above, the conception that housemakers do not "work" or that they do not add economic value to the household is a problematic idea that has persisted for many years and must be overcome".*

8. On the other hand, the learned counsel for the Respondent No.2-Insurance Company has contended that counsel for Respondent No.2-Insurance Company has contended that there is no dispute regarding the ownership of said motorcycle and liability if any, shall be subject to the terms and conditions of policy. It is further contended that the driver of offending vehicle had no valid driving licence as on the date of the accident.

9. Heard the learned counsel for the parties, perused the records and judgment and award of the Tribunal.

10. It is not in dispute that the claimant has sustained injuries in the road traffic accident occurred on 07.02.2017 due to rash and negligent riding of the offending motorcycle by its rider. The claimant claims that she is a

Home Maker and has produced citations of the Hon'ble Supreme Court reiterating the role of a Home Maker in a family and contribution in terms of service, which should not be under-estimated. As per the rulings of the Hon'ble Supreme Court cited supra, housewives have to be granted compensation on the basis of the multifarious service rendered by them for managing the entire family.

11. Considering the nature of grievous injuries, the claimant must have been under rest and treatment for a period of 06 months. Considering the facts and circumstances of the case and the fact that claimant has undergone surgery and other complicated medical procedures, it is just and proper to enhance the compensation awarded by the Tribunal. Therefore, the appellant-claimant would be entitled to a lumpsum compensation of **Rs.10,00,000/-** instead of Rs.6,98,500/- awarded by the Tribunal.

**Regarding pay and recovery:**

12. In the present case, the respondent No.2-Insurance Company has taken up specific defence before the Tribunal

that it is not liable to pay the compensation as the rider of the offending vehicle did not possess valid and effective driving licence at the time of accident. Therefore, the Tribunal is correct in exonerating the Insurance Company from paying compensation to the claimants. However, as per Sub-Section (2) of Section 149 of Motor Vehicles Act, when the Insurance Company has established rider was not holding valid driving licence, then as per Sub-sections (1), (4), (7) of Section 149 of the Motor Vehicles Act, the Insurance Company shall satisfy the claim in respect of third parties and then recover the same from the owner of the offending vehicle. Accordingly, the order of pay and recovery is made as per the principle of law laid down by the Hon'ble Supreme Court in the cases of **PAPPU AND OTHERS Vs. VINOD KUMAR LAMBA AND ANOTHER** reported in **(2018) 3 SCC 208; NATIONAL INSURANCE COMPANY LIMITED VS. SWARAN SINGH AND OTHERS** reported in **(2004) 3 SCC 297** and also as per the full bench decision of this Court in the case of **NEW INDIA ASSURANCE COMPANY**

**LIMITED VS. YELLAVVA AND ANOTHER** reported in **2020 ACJ 2560**. Accordingly, an order of pay and recovery is made. To this extent, the judgment and award passed by the Tribunal is modified.

13. Accordingly, the following order is passed:

- i) The appeal is ***allowed-in-part***;
- ii) The judgment and award dated 04.01.2019 on the file of the XIII Addl. Judge, Court of Small Causes and Member, MACT, Bengaluru, in MVC No.3205/2017, is modified;
- iii) The appellants – claimants are entitled for total compensation of **Rs.10,00,000/-** along with interest at the rate of 6% per annum from the date of filing of the petition till realization;
- iv) The compensation amount along with accrued interest if any, shall be deposited

by the respondent No.2 - Insurance Company, within eight weeks from the date of filing of the petition till realization and recover the same from the owner of the offending vehicle;

- v) Apportionment and disbursement of the compensation amount shall be as per the impugned Award of the Tribunal.
- vi) Amount in deposit along with accrued interest, if any shall be transmitted to the Tribunal.
- vii) Registry is directed to return the Trial Court Records to the Tribunal, along with certified copy of the judgment passed by this Court forthwith.

**Sd/-  
(DR.K.MANMADHA RAO)  
JUDGE**