



**MFA No. 3741 of 2020
C/W MFA No. 858 of 2020**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2022

PRESENT

THE HON'BLE MR. JUSTICE B.VEEERAPPA

AND

THE HON'BLE MRS. JUSTICE K. S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO.3741 OF 2020(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 858 OF 2020(MV-D)

IN MFA No.3741/2020

BETWEEN:

1. SMT. SHAILA,
W/O B.THIMMESHA,
AGED ABOUT 40 YEARS.
2. KUM. NIKITHA B. T.,
D/O B.THIMMESHA,
AGED ABOUT 16 YEARS.
3. PUNITH B. T.,
S/O B. THIMMESHA,
AGED ABOUT 6 YEARS,

APPELLANT Nos.2 AND 3 ARE MINORS,
REPRESENTED BY THEIR
NATURAL GUARDIAN
SMT. SHAILA (APPELLANT NO.1)

ALL THE APPELLANTS
R/O 1ST CROSS, MAIN ROAD,





MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

GOPISHETTYKOPPA,
NEAR SIDDESHWARA CIRCLE,
DEVARAHOLA,
SHIVAMOGGA 577201.

...APPELLANTS

(BY SRI. K. V. SATEESH CHANDRA., ADVOCATE)

AND:

1. N. MANJUNATHA,
S/O N. NAGAPPA,
AGED ABOUT 62 YEARS,
OCCUPATION: AGRICULTURIST,
R/O RAJALAKSHMI NILAYA,
MALERAKERI, SHIKARIPURA TOWN,
SHIVAMOGGA 577427.
2. SUNIL S. M.,
S/O N. MANJUNATHA,
AGED ABOUT 28 YEARS,
AGRICULTURIST,
R/O RAJALAKSHMI NILAYA,
MALERAKERI, SHIKARIPURA TOWN,
SHIVAMOGGA 577427.
3. UNITED INDIA INSURANCE CO. LTD.,
B. H. ROAD, SHIVAMOGGA 577201.

...RESPONDENTS

(BY SRI BENNI RAVISH CHANDRASHEKAR, ADVOCATE FOR R3;
VIDE ORDER DATED 10.08.2021 NOTICE TO R1 AND R2 IS
DISPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
SECTION 173(1) OF MOTOR VEHICLES ACT BY THE CLAIMANTS
AGAINST THE JUDGMENT AND AWARD, DATED 27.11.2019
PASSED IN MVC NO.496/2018, BY THE LEARNED PRINCIPAL
SENIOR CIVIL JUDGE AND AMACT-VI, SHIVAMOGGA, FOR
ENHANCEMENT OF COMPENSATION.



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

IN MFA No.858/2020

BETWEEN:

1. DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
B. H. ROAD, SHIVAMOGGA.

REPRESENTED BY ITS
DIVISIONAL MANAGER,
NO.1137/947, 2ND FLOOR,
RUB BUILDING, A. A. CIRCLE,
SHIVAMOGGA-577201.

...APPELLANT

(BY SRI BENNI RAVISH CHANDRASHEKAR, ADVOCATE)

AND:

1. SMT. SHAILA,
W/O B.THIMMESH,
AGED ABOUT 39 YEARS.
2. KUM. NIKITHA B. T.,
D/O LATE B.THIMMESH,
AGED ABOUT 15 YEARS.
3. PUNITH B. T.,
S/O LATE B. THIMMESH,
AGED ABOUT 5 YEARS,

APPELLANT Nos.2 AND 3 ARE MINORS,
REPRESENTED BY THEIR
NATURAL GUARDIAN/MOTHER
SMT. SHAILA (APPELLANT NO.1)

ALL THE APPELLANTS
R/O 1ST CROSS, MAIN ROAD,
GOPISETTYKOPPA,
NEAR SIDDESHWARA CIRCLE,



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

DEVARAHOLA,
SHIVAMOGGA 577201.

4. N. MANJUNATHA,
S/O N. NAGAPPA,
AGED ABOUT 61 YEARS,
AGRICULTURIST AND BUS OWNER,
OWNER OF INNOVA CAR BEARING
REG NO.KA-15-M-3656,
R/O RAJALAKSHMI NILAYA,
MALERAKERI, SHIKARIPURA TOWN,
SHIVAMOGGA 577427.
5. SUNIL S. M.,
S/O MANJUNATHA,
AGED ABOUT 27 YEARS,
AGRICULTURIST,
DRIVER OF INNOVA CAR BEARING
REG NO.KA-15-M-3656,
R/O RAJALAKSHMI NILAYA,
MALERAKERI, SHIKARIPURA TOWN,
SHIVAMOGGA 577427.
D.L. No.KA-15-20110000300
VALID TILL 10.01.2031

...RESPONDENTS

(BY SRI SATEESH CHANDRA K.V., ADVOCATE FOR R1 TO R3;
R2 AND R3 ARE MINORS REPRESENTED BY R1;
VIDE ORDER DATED 24.01.2020 NOTICE TO R4 AND R5 ARE
DISPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
SECTION 173(1) OF MOTOR VEHICLES ACT BY THE INSURANCE
COMPANY PRAYING TO MODIFY THE IMPUGNED JUDGMENT
AND AWARD DATED 27.11.2019 PASSED IN MVC NO.
496/2018 BY THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE
AND ADDITIONAL M.A.C.T. VI, SHIVAMOGGA, TO REDUCE
50% OF THE COMPENSATION.



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

THESE MISCELLANEOUS FIRST APPEALS COMING ON FOR HEARING THIS DAY, **B.VEERAPPA J.**, DELIVERED THE FOLLOWING:

J U D G M E N T

Miscellaneous First Appeal No.3741/2020 is filed the claimants for enhancement and Miscellaneous First Appeal No.858/2020 is filed by the Insurance Company for reduction of the compensation awarded by the impugned judgment and award dated 27.11.2019 made in MVC No.496/2018 by the learned Principal Senior Civil Judge and A.M.A.C.T. VI, Shivamogga, Bengaluru, awarding total compensation of Rs.19,42,000/- with interest at the rate of 6% per annum from the date of the petition till the date of realization.

2. It is the case of the claimants, who are wife, daughter and son of the deceased B. Thimmesha that they filed a claim petition claiming compensation of Rs.70,90,000/- contending that on 14.4.2018 at about 2.10 p.m. when the deceased B. Thimmesha was proceeding in his motor cycle bearing Registration No. KA 14/Y-6278 Towards Doddayerhalli village,



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

Honnali Taluk on Shivamogga-Savalanga Road, in front of garden land of Onkarappa near Abbalagere Village, Shivamogga Taluk, at that time, the driver of the Innova Car bearing Registration No.KA-15/M-3656 coming from the opposite direction in a rash and negligent manner dashed against the deceased B. Thimmesha, due to which, the deceased sustained grievous injuries and died on the spot. Thereafter, the dead body was shifted to Mc.Gann Hospital and after conducting the postmortem, the body was handed over to the claimants.

3. The contention of the claimants before the Tribunal is that the deceased prior to the accident was hale and healthy. He was working as a clerk in a private firm and also doing part time job and was earning a sum of Rs.40,000/- per month; He was the only bread earner in the family and was contributing the entire income to the claimants. Because of the said demise, claimant No.1 being the wife lost her husband and claimant Nos.2 and 3 being children lost their father's love and affection at their childhood and are suffering from mental shock and agony. It was further contended that because of the rash



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

and negligent driving of the driver of the offending vehicle, the owner and insurer of the Innova Car bearing Reg.No.KA-14/Y-6278 jointly and severally liable to pay the compensation of Rs.70,90,000/- with interest and costs.

4. In pursuance of service of notice, owner of the Innova Car and its driver remained absent and as such, they were placed exparte. The Insurance Company filed its objection statement stating that the owner and insurer of motorcycle bearing Registration No.KA-14/Y-6278 are necessary parties to the proceedings. They have denied that the claimants are the only legal heirs entitled to claim and prosecute the claim petition or that that they were economically depending on the income of the deceased. They have denied the age, occupation, monthly income of the deceased or their entitlement of the compensation as claimed in the petition. Even the compensation claimed is excessive and exorbitant, which is without any basis. According to the insurance company, the accident occurred due to rash and negligent riding of the deceased, who dashed against the car. It has denied that respondent No.2 was the driver of the vehicle as on



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

the date and at the time of the accident. It is their allegation that the police have registered a false case against driver of the innova car in collusion with the claimants. They have admitted their liability regarding the policy of insurance issued in respect of the vehicle bearing Registration No. KA-15/M-3656. It is contended that the deceased, rider of the motorcycle was not holding valid and effective driving licence and was not wearing helmet as on the date of the accident and the liability of the insurance company in respect of said motorcycle would be subject to the terms and conditions of the policy and hence, sought to dismiss the claim petition.

5. Based on the aforesaid pleadings, the Tribunal framed the following issues for consideration:

"i) Whether the petitioners prove that B. Thimmasha died in an accident which was occurred due to rash and negligent driving of respondent No.2 - driver of the Innova car bearing Reg. No.KA-15/M-3656 on 14.04.2018 at about 2.10 p.m., near abbalagere village, Shivamogga Taluk?



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

ii) Whether the petitioners are entitled for compensation? If so, at what quantum and from whom?"

6. In order to prove the case of the claimants, claimant No.1-wife of the deceased examined herself as P.W.1, and three witnesses were examined by name Sri K. Ramalingappa as P.W.2, Sri Shantharajappa A., as P.W.3 and Sri Hoysala D.S. as P.W.4 as well as got marked the documents Exs.P.1 to 30. The owner and Insurance Company of the offending vehicle have not adduced any evidence, but Insurance Company produced Ex.D.1, a copy of the insurance policy which was valid and was in force as on the date of the accident.

7. The Tribunal considering both oral and documentary evidence on record recorded a finding that the claimants have proved that the deceased B. Thimmesha - husband of claimant No.1 and father of claimant Nos.2 and 3 died in a road accident that occurred due to rash and negligent driving of the driver of the innova Car bearing Registration No.KA-15/M-3656 on 14.4.2018 at about 2.10 p.m. near Abbalagere Village, Shivamogga Taluk when he was proceeding on Shivamogga-



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

Savalanga Road in front of garden land of Onkarappa while riding motorcycle bearing registration No. KA-14-Y-6278. Further the claimants, who are the legal representatives of the deceased and dependant on the income of the deceased are entitled for the compensation. Accordingly, by the impugned judgment and award, awarded a total compensation of Rs.19,42,000/- (Rupees Nineteen Lakhs Forty Two Thousand only) with interest at the rate of 6% per annum from the date of petition till realization. Hence, the present Miscellaneous First Appeal No.858/2020 is filed by the Insurance Company for reduction and Miscellaneous First Appeal No. 3741/2020 is filed by the claimants for enhancement of compensation awarded by the Tribunal.

8. We have heard the learned Counsel for the parties.

9. Sri Sateesh Chandra K.V., learned Counsel for the claimants contended with vehemence that the impugned judgment and award passed by the Tribunal awarding total compensation of Rs.19,42,000/- (Rupees Nineteen Lakhs Forty Two Thousand only) with interest at the rate of 6% per annum



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

from the date of petition till deposit of the amount to the claimants is meager and contrary to the material on record and as such, is liable to be modified by enhancing the compensation as prayed for in the claim petition. He would further contend that though the wife of the deceased has deposed that the deceased was working in two companies and was earning more than Rs.45,000/- per month, but the Tribunal erred in taking the monthly income of the deceased at Rs.18,000/- per month ignoring the evidence of P.W.1 and also the salary particulars - Exs.P.18 and 21 and the Tribunal erred in not awarding any compensation towards future prospects. He further contended that the Tribunal has awarded a sum of Rs.40,000/- towards loss of consortium to the wife and not to the children for loss of love and affection and therefore, would contend that the Tribunal was not justified in awarding the compensation by the impugned judgment and award and sought to allow miscellaneous first appeal filed by the claimants .

10. Per contra, Sri Benni Ravish, learned Counsel for the Insurance Company contended that the claimants have not proved the avocation and income of the deceased and thereby,



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

the Tribunal was not justified in taking the income of the deceased as Rs.18,000/- per month, in the absence of any documents produced except Exs.P.18 and 21, which are created documents, and false statements made by P.Ws.3 and 4. He would further contend that after registration of the case by the jurisdictional police, the charge sheet filed against Chandrappa M., who is the owner of the motorcycle bearing registration No.KA-14/Y-6278 and father-in-law of the deceased B. Thimmesha but not against the deceased B. Thimmesha, who was driving the motorcycle without insurance policy on the public road on the date and time of the accident. Therefore, the Tribunal ought to have taken into consideration 50% of contributory negligence on both the deceased and driver of the vehicle Innova car. He would further contend that P.W.1, the wife of the deceased B. Thimmesha has admitted in her cross-examination that the charge sheet is filed against her father Sri Chandrappa M., who is arrayed as accused No.2. Further Exs.P.18, 19, 26 to 30 are all created documents for the purpose of the case and the evidence of P.W.3 is against Ex.P.19-the salary certificate. Therefore, he contended that



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

viewed from any angle, the impugned judgment and award passed by the Tribunal is not just and proper and sought to allow the MFA No.858/2020 filed by the insurance company and dismiss MFA No.3741/2020 filed by the claimants.

11. Having heard the learned Counsel for the parties, the points that arise for our consideration are:

"i) Whether the claimants have made out a case for enhancement of compensation awarded by the Tribunal in view of documents Exs.P.18 and 21 and evidence of P.Ws.1, 3 and 4 in the facts and circumstances of the present case?

ii) Whether the insurance company has made out a case to reduce the compensation awarded by the Tribunal on the ground of negligence in view of the evidence of P.W.1 and the charge sheet filed by the jurisdictional police against the father-in-law of the deceased? and



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

iii) Whether the insurance company has made out a case to take into consideration the contributory negligence on the part of the deceased in the peculiar facts and circumstances of the present case?."

12. We have given our thoughtful consideration to the arguments advanced by the learned Counsel for the parties and perused the entire material on record including the original records carefully.

13. It is an undisputed fact that the deceased B. Thimmesha, is none other than the husband of claimant No.1 and father of claimant Nos.2 and 3, who died at the young age of 38 years in a road traffic accident that occurred on 14.4.2018 at 2.10 p.m., due to rash and negligent driving of the driver of the innova Car bearing Registration No.KA-15/M-3656 while he was proceeding on Shivamogga-Savalanga Road, in front of garden land of Onkarappa near Abbalagere Village, Shivamogga Taluk as is evident by the material documents - Ex.P.2 - a copy of FIR, Ex.P.24 - certified copy of the Charge



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

Sheet filed by the jurisdictional police, Ex.P.7 rough sketch. It is the specific case of P.W.1, wife of the deceased that her husband was working in a private company and also doing part time job and earning a sum of Rs.40,000/- per month.

14. In order to prove their case, the claimants produced Ex.P.18, the salary certificate issued by the Manager, D. Mallappa and Sons, Nut Merchants and Commission Agents, APMC Yard, Shivamogga which depicts that the deceased was working as a clerk since 2004 and was earning a sum of Rs.10,000/- per month and a bonus of Rs.20,000/- per year. As such, the deceased was earning an income of Rs.1,40,000/- per year. In that regard, the author - P.W.4 - Sri Hoysala D.S., has been examine and nothing has been elicited in his cross-examination to disbelieve the said income. The claimants have also produced Ex.P.20 and 21 - Certificate and statement of payment details respectively to show that the deceased was working on part-time as Bill Collector in Hamsa Satellite Services, Shivamogga since January 2018 and was earning a sum of Rs.6,000/- per month and nothing has been elicited in the cross-examination of P.W.4 to disprove the said fact.



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

15. Though the learned Counsel for the claimants contended that apart from working in two private companies, the deceased was also doing agricultural work with regard to which the RTC are produced, the fact remains that they have not stated what was the income. As such, in the absence of any document, the said contention cannot be accepted. Considering Exs.P.18 to 21 and 30 accounts extract and the evidence of P.Ws.3 and 4, we can safely hold that the income of the deceased as Rs.11,666/- + Rs.6,000/- = Rs.17,666/- per month totally. Admittedly, the deceased died at the age of 47 years. But the Tribunal has not awarded any compensation towards future prospects. Therefore in view of dictum of the Hon'ble Supreme Court in the case of **National Insurance Co. Ltd. -vs- Pranay Sethi reported in (2017)16 SCC 680**, 25% of the actual income has to be added towards future prospects of the deceased i.e., Rs.17,666/- + 25% = Rs.22082.50 ps. Considering the age of the deceased as 47 years, married and claimants are three in numbers, after deducting "1/3" towards her personal expenses, the income would come to Rs.22,082.50 - 1/3 = Rs.14,722 per month. With regard to the



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

multiplier to be applied, in view of dictum of the Hon'ble Supreme Court in the case of ***Sarla Verma and Others -vs- Delhi Transport Corporation and Another reported in (2009)2 SCC (crl) 1002***, the appropriate multiplier would be '13'. Therefore, loss of dependency would come to (Rs.17,666/- + **25%** (future prospects)-1/3rd (Personal expenses) X 12 X 13) = **Rs. 22,96,632/-**.

16. Though the learned Counsel for the insurance company contended with vehemence that the income of the deceased was not proved by the claimants, the fact remains that Exs.P.18 and 21 are statements of salary particulars and in the cross-examination of P.Ws.3 and 4 -the authorities, nothing has been elicited to disprove their statement. The insurance company except producing Ex.D.1 the insurance policy which was in force as on the date, has not produced any contra evidence to disprove the income of the deceased as stated by the claimants. In view of the oral evidence of P.Ws.1, 3 and 4 and the material documents Exs.P.18 to 21, the claimants have proved the avocation and income of the deceased and thereby the contention of the insurance company cannot be accepted.



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

17. With regard to the contention of the learned Counsel for the insurance company that the deceased was not having the policy of insurance of the motorcycle while riding as on the time and date of the accident, the Tribunal ought to have held 50:50 contributory negligence, the same cannot be accepted for the simple reason that in view of the provisions of Section **146 r/w Section 196** of the Motor Vehicles Act and keeping in view the rough sketch Ex.P.7 prepared by the jurisdictional authority clearly depicts that the Innova Car bearing Reg. No.KA-15/M-3656 came on the extreme western edge of the road and dashed against the motorcycle of the deceased from opposite direction where the deceased was on the extreme left side of the road. As such, it is the negligence on the part of the driver of the Innova Car and not on the part of the deceased. As is evident from the material documents, the Tribunal also has recorded a finding that the unfortunate accident occurred due to rash and negligent driving of the driver of the Innova vehicle and accordingly, the FIR, Charge Sheet and Rough Sketch are filed. Admittedly, neither the owner nor the driver of the Innova Car have challenged the Charge Sheet filed and



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

P.W.3 being the eye witness to the incident, has deposed with regard to the negligence on the part of the driver of the Innova Car. Thereby the contention of the learned Counsel for the insurance that there was contribution of 50% negligence on the part of the deceased in the accident cannot be accepted.

18. The contention of the learned Counsel for the Insurance Company that Exs.P.18 to 21 and 30 are created documents cannot be accepted since the documents are marked while recording the evidence and at that time no objection was raised and now it is not open for the insurance company to contend with regard to validity of the said documents issued by the competent authorities who have been examined as P.Ws.2 and 4. Even the wife of the deceased - P.W.1 and Eye witness P.Ws.3 clearly have given their statement that it is the negligence on the part of the driver of the Innova Car and not the deceased.

19. The Tribunal while passing the impugned judgment and award has proceeded to award compensation of Rs.40,000/- towards Consortium only to the wife of the



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

deceased-claimant No.1 but not awarded any compensation to the children - claimant Nos.2 and 3 towards love and affection which is against the dictum of the Hon'ble Supreme Court in the case of ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and Others reported in (2018) 18 SCC 130*** and affirmed in ***United India Insurance Company Ltd., Vs. Satinder Kaur @ Satwinder Kaur & Others, reported in AIR 2020 SC 3076***, where each of the claimants (Rs.40,000/- each) are entitled for a sum of Rs.40,000/- and as such, claimant Nos.2 and 3 are entitled to a sum of **Rs.80,000/-** towards love and affection. In view of the judgment of the Hon'ble Supreme Court in the case of Pranay Sethi (supra), the Tribunal was justified in awarding compensation of Rs.15,000/- each towards 'loss of estate' and 'funeral expenses'.

20. For the reasons stated above, we answer point No.1 partly in the affirmative holding that the claimants have made out any case for enhancement of compensation in view of the evidence of P.Ws.1 to 4 and material documents Exs.P.18 to 21; Point Nos.2 and 3 are answered in the negative holding



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

that the Insurance Company has not made out any case to reduce the compensation awarded by the Tribunal on the ground of negligence in view of the evidence of P.W.1 and the charge sheet filed by the jurisdictional police against the father-in-law of the deceased as well as with regard to contributory negligence on the part of the deceased in the peculiar facts and circumstances of the present case.

21. After re-assessing the entire material on record, the claimants are entitled to the just compensation as under:

Loss of dependency	Rs. 22,96,632/-
Transportation of dead body, funeral and other expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000
Loss of Consortium to the husband-claimant No.1	Rs. 40,000/-
Loss of love and affection to claimant Nos.2 and 3 (Rs.40,000 x 2)	Rs. 80,000/-
Total	Rs.24,46,632/-
Less compensation awarded by the Tribunal	Rs.19,42,000/-
Enhancement of compensation	Rs. 5,04,632/-

22. In all, the claimants are entitled to a compensation of **Rs.24,46,632/-** and after deducting the compensation of



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

Rs.19,42,000/- already awarded by the Tribunal, the compensation awarded to the claimants is enhanced by **Rs. 5,04,632/-**.

23. In view of the aforesaid reasons, we pass the following:

ORDER

- i) Miscellaneous First Appeal No.3741/2020 filed by the claimants for enhancement of compensation awarded by the Tribunal is allowed in-part;
- ii) Miscellaneous First Appeal No.858/2020 filed by the Insurance Company for reduction of compensation awarded by the Tribunal is dismissed;
- iii) The impugned judgment and award dated 27.11.2019 passed in MVC No.496/2018 by the learned Principal Senior Civil Judge and A.M.A.C.T. VI, Shivamogga, awarding the compensation of Rs.19,42,000/- with interest at



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

the rate 6% per annum from the date of petition till deposit is hereby modified and hereby modified and the claimants are entitled for enhancement of compensation at Rs. **5,04,632/-** (Rs.24,46,632/- - Rs.19,42,000/- =Rs. **5,04,632/-**) with 6% interest from the date of petition till realization;

- iv) The Insurance Company is directed to deposit the compensation as stated supra within six weeks from the date of receipt of a copy of this judgment;
- v) The amount in deposit shall be transmitted to the concerned Tribunal forthwith;
- vi) After deposit of the enhanced compensation amount by the Insurance Company, the apportionment and release of the deposit would be in terms of the award of the Tribunal;
- vii) Office is directed to draw the award, accordingly;



MFA No. 3741 of 2020
C/W MFA No. 858 of 2020

- viii) The statutory amount deposited by the insurance company before this Court shall be transmitted to the jurisdictional Tribunal forthwith for realisation in favour of the claimants; and
- ix) Trial Court records to be transmitted to the Tribunal forthwith.

Sd/-
JUDGE

Sd/-
JUDGE

Nsu/-