

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026

**(Arising out of SLP (CIVIL) No. of 2026)
(Arising out of SLP (C) Diary No. 27430 of 2022)**

LAKKAWA & ORS.

APPELLANT(s)

VERSUS

**UNITED INDIA
INSURANCE CO. LTD. & ANR.**

RESPONDENT(s)

O R D E R

1) Leave granted.

2) Assailing the order dated 19.11.2015 passed by the High Court¹ in an appeal² filed by the respondent-Insurance company, dismissing the claim against the Insurer on the ground that the deceased (Muttappa) was a gratuitous passenger; the claimants (appellant No.1 - wife and appellants Nos. 2 to 5 -children of the deceased) have preferred this appeal.

3) As per the averments made in the claim petition³, On 17.06.2004 the deceased (Muttappa) was

¹High Court of Karnataka at Dharwad Bench

²M.F.A. No. 4325 of 2008 challenging Award dated 26.01.2008 in M.V.C.No. 32/2005 by Motor Accident Claims Tribunal No.VI, Jamkhandi, Mudhol

³ M.V.C.No. 32/2005

traveling in a goods vehicle bearing Registration No. KA-29/ 4449 belong to respondent No.2(owner). The vehicle was driven in rash and negligent manner with high speed. Due to sudden application of brakes, the vehicle was overturned resulting in grievous injuries to the deceased. Initially, the deceased was hospitalized in Mahalingapur Government Hospital, later shifted to K.L.E. Hospital Belgaum; however, he succumbed to the injuries on 22.06.2004.

4) On filing a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.20 lakhs, MACT⁴ *vide* judgment and Award dated 24.01.2008 granted compensation of Rs.3,13,572/- accepting the earning of the deceased at Rs.3000/- per month, deducting 1/3 towards personal expenses and applying the multiplier of 11 taking the age of the deceased as 55 and granting compensation towards loss of estate, loss of consortium, transportation, funeral expenses and medical expenses. The MACT held the respondent No.1-Insurance Company and respondent No.2-Owner are jointly and severally liable for payment of compensation and directed the

⁴ Motor Accident Claims Tribunal No.VI, Jamkhandi, Mudhol

respondent No.1-Insurance Company to deposit the amount within a period of 3 months from the date of the order. For easy reference compensation awarded by the MACT is provided in tabular manner herein below:

Heads	Amount
Loss of dependency	Rs.2,64,000/-
Loss of estate	Rs.15,000/-
Loss of consortium	Rs.10,000/-
Transportation	Rs.2000/-
Funeral expenses	Rs.3000/-
Medical expenses	Rs.19,572/-
Total	Rs.3,13,572/-

5) Being dissatisfied by the said direction, the Insurance Company preferred the appeal before the High Court which was allowed *vide* the impugned order and the direction of joint and several liability was modified holding the owner responsible exonerating the Insurance Company.

6) Being aggrieved by such findings, the claimants challenging the impugned order preferred the present appeal.

7) After hearing learned counsel for the parties and considering the facts and circumstances in which the claimants have not assailed the Award of MACT asking enhancement before the High Court; therefore,

the request of enhancement as urged before us cannot be accepted.

8) Simultaneously, looking to order dated 23.03.2026 passed by this Court in the case of ***Bhagwandas v. Cholamandlum MS Gen. Ins. Co. Ltd.***⁵, wherein considering the judgment of ***Oriental Insurance Co. Ltd. v. Brij Mohan and Others***⁶ while exercising jurisdiction under Article 142 of the Constitution of India maintained the quantum of compensation as directed to pay and recover in a case of death of a gratuitous passenger who was a poor villager and the bread earner of the family. As such the Insurance company was directed to pay with interest and recover from the owner and driver in terms of the judgment in ***S. Iyyapan v. M/s. United India Insurance Company Ltd. and Anr.***⁷

9) After hearing learned counsel for the parties at length and considering the judgment in the case of ***Bhagwandas (supra)*** and the facts of the present case, we deem it appropriate to exercise our jurisdiction under Article 142 of the Constitution

5 Civil Appeal Nos. 4196-4197 of 2026

6 (2007) 7 SCC 56

7 (2013) 7 SCR 45

of India and direct that the compensation as awarded by the MACT along with interest be paid by the respondent No.1- Insurance Company and they are at liberty to recover the same from the respondent No.2-Owner. With the aforesaid modification in order impugned, the civil appeal is disposed of.

10) It is directed that due amount of compensation shall be paid to the claimants within a period of three months and the Insurance Company is at liberty to recover the same from owner.

11) Before parting it is to observe that there is delay of 2388 days in filing this appeal. However, the delay was condoned with direction that the claimants would not be entitled of the interest for the period of delay in filing this appeal. Meaning thereby, the compensation be paid with interest excluding the period of delay.

12) Pending application(s), if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
May 05, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 27430/2022

[Arising out of impugned final judgment and order dated 19-11-2015 in MFA No. 4325/2008 passed by the High Court of Karnataka Circuit Bench at Dharwad]

LAKKAWA & ORS.

Petitioner(s)

VERSUS

UNITED INDIA INSURANCE CO. LTD. & ANR.

Respondent(s)

Date : 05-05-2026 This petition was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR**

For Petitioner(s) :

**Mr. Sharanagouda Patil, Adv.
Ms. Supreeta Sharanagouda, AOR
Mr. Kotresh A M, Adv.
Mr. Yash S. Tiwari, Adv.**

For Respondent(s) :

**Mrs. Nanita Sharma, AOR
Mr. Vivek Sharma, Adv.
Mr. Mahesh Chandra Tiwari, Adv.
Mr. Deepak Sinha, Adv.
Mr. Rohit Kumar, Adv.
Ms. Sabnam Sultana, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

- 1) Delay condoned.
- 2) Leave granted.
- 3) The civil appeal is disposed of in terms of the signed order. Pending application(s), if any, shall stand disposed of.

**(NIDHI AHUJA)
DEPUTY REGISTRAR**

**(NAND KISHOR)
ASSISTANT REGISTRAR**

[Signed order is placed on the file.]

