



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 2<sup>ND</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**AND**

**THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY**

**MISCL. FIRST APPEAL NO.200322 OF 2024 (MV-D)**

**BETWEEN:**

SHRI. S.B SHIVAMURTHY SHIVACHARY HIREMUTT,  
AGE : 42 YEARS,  
OCC: PRIEST OF MUTT,  
R/O: DEVAPUR, TALUK: SHORAPUR,  
DISTRICT:YADGIR – 585 101.

...APPELLANT

(BY SRI.KRUPA SAGAR PATIL, ADVOCATE)

**AND:**

1. SHABIR AHAMED  
AGE : MAJOR,  
OCC: OWNER OF TRUCK BEARING  
NO.KA-38-7947,  
R/O: SHA GUNJ, BIDAR – 585 101.
2. THE MANAGER,  
NEW INDIA ASSURANCE COMPANY LIMITED,  
SANGAMESHWAR NAGAR,  
S.B. TEMPLE ROAD,  
KALABURAGI – 585 103.
3. AMRUT G. PATNE  
S/O GURLINGAPPA,  
AGE : MAJOR, OCC: OWNER OF JEEP  
BEARING NO.MH-13/5529,  
R/O: KUMBHARI,





TALUK AND DISTRICT : SOLAPUR,  
MAHARASHTRA STATE – 585 103.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR R2;  
V/O DATED 15.02.2024, NOTICE TO R1 & R3 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 01.09.2023, PASSED BY THE COURT OF SENIOR CIVIL JUDGE AND JMFC, SHORAPUR, IN FILE BEARING M.V.C.NO.175/2013 AND ALLOW THE CLAIM PETITION BY ENHANCING THE COMPENSATION AMOUNT AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ  
and  
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The appellant who was the claimant before the Senior Civil Judge and JMFC, Shorapur (for short, 'the Tribunal') is before this Court challenging the judgment and award dated 01.09.2023 in MVC No.175/2013.
2. The proceedings before the Tribunal had been filed on account of death of Sutreshwar Shivacharya Swamiji in a road traffic accident on 20.05.2011 at 03.00 p.m., He was the priest of Bale Honnur Shrimad Rambapur Virsinhasan Mutt, Achaler, Taluk



Lohara, District Osmanabad. The accident occurred while he was proceeding in a jeep near Ambika Dhaba Bormani road, due to a head-on collision with a truck bearing Reg.No.KA-38-7947, which was registered by the insurance company.

3. The Tribunal, considering that the deceased was 55 years of age and accepting the fact that he was earning around Rs.20,000/- per month by giving lectures as also further amount of Rs.5,00,000/- from agriculture, being of the opinion that the successor of the Mutt was not a legal representative to claim loss of dependency, as such, denied compensation in respect of loss of dependency and awarded compensation only in respect of loss of estate at Rs.1,00,000/-and towards funeral expenses at Rs.20,000/- coming to a grand total of Rs.1,20,000/-. It is challenging the same, the claimant is before this Court contending that the Mutt, having lost the services of the Head of the Mutt, who expired in the said accident, loss of dependency is required to be granted to the Mutt of which the claimant is a representative.
4. In this regard, Sri.Krupa Sagar Patil, learned counsel for the appellant, relies on the decision of the Hon'ble



Apex Court in the case of **Montford Brothers of St.Gabriel and Anr., Vs. United India Insurance and Anr.**, reported in **AIR 2014 SC 1550**, more particularly, paragraph Nos.5, 6, 9 and 17, which are reproduced hereinafter for easy reference:

*"5. One 'Brother' of the Society, namely, Alex Chandy Thomas was a Director-cum-Head master of St. Peter High School and he died in a motor accident on 22.06.1992. The accident was between a Jeep driven by the deceased and a Maruti Gypsy covered by insurance policy issued by the respondent Insurance Company. At the time of death the deceased was aged 34 years and was drawing monthly salary of Rs.4,190/-. The claim petition bearing No.55 of 1992 was filed before M.A.C.T., Aizawal by appellant no.2 on being duly authorized by the appellant no.1-the society. The owner of the Gypsy vehicle discussed in his written statement that vehicle was duly insured and hence liability, if any, was upon the Insurance Company. The respondent-Insurance Company also filed a written statement and thereby raised various objections to the claim. But as is clear from the written statement under Annexure P.2 it never raised the issue that since the deceased was a 'Brother' and therefore without any family or heir, the appellant could not file claim petition for want of locus standi. The issue no.1 regarding maintainability of claim petition was not pressed by the respondents. The Tribunal awarded a compensation of Rs.2,52,000/- in favour of the claimant*



*and against the opposite parties with a direction to the insurer to deposit Rs.2,27,000/- with the Tribunal as Rs.25,000/- had already been deposited as interim compensation. The Tribunal also permitted interest at the rate of 12% per annum, but from the date of judgment dated 14.07.1994 passed in MACT case Nos. 55 and 82 of 1992.*

*6. Instead of preferring appeal against the order of the Tribunal, the respondent-Company preferred a writ petition under Article 226 of the Constitution of India before the Gauhati High Court and by the impugned order under appeal dated 20.08.2002, the High Court allowed the aforesaid writ petition (C) No.20 of 2002 ex-parte, and held the judgment and order of the learned Tribunal to be invalid and incompetent being in favour of person/persons who according to the High court were not competent to claim compensation under the Motor Vehicle Act. This was the only ground of challenge to the judgment and Award of the Tribunal. The High Court, however, did not disturb the Award of Rs.25,000/- already made as interim compensation. Review Petition preferred by the appellants was also rejected on 10.12.2003 but after noticing the relevant facts relating to locus of the appellants.*

*9. The Act does not define the term "legal representative" but the Tribunal has noted in its judgment and order that clause (C) of Rule 2 of the Mizoram Motor Accident Claims Tribunal Rules, 1988, defines the term 'legal representative' as*



*having the same meaning as assigned to it in clause (11) of Section 2 of the Code of Civil Procedure, 1908, which is as follows:*

*"Section 2(11) 'Legal representative' means a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued".*

*17. In the light of the aforesaid discussions, we have no hesitation in holding that the High Court erred in law in setting aside the judgment of the learned Tribunal by ignoring the fact that the respondent-Insurance Company had not pressed issue no.1 nor it had pleaded and led evidence in respect to the said issue. The Court explained that the appellants were the legal representatives of the deceased. Such an issue of facts could not be decided by the High Court for the first time in a writ petition which could only be entertained under Article 227 of the Constitution for limited purpose."*

5. By relying on the above judgment, learned counsel for the appellant submits that the Hon'ble Apex Court in that case has set aside the finding of the Hon'ble Gauhati High Court, which held that the Brotherhood was not entitled to compensation for the death of a



Brother who was a Member of the said Brotherhood in a road traffic accident. The Hon'ble Apex Court affirmed the judgment of the Tribunal by holding that the term 'legal representative' not having been defined in the Motor Vehicles Act, 1988 or in the Mizoram Motor Accident Claims Tribunal Rules, 1988, the said term was required to be given a wide interpretation and accordingly, imported the meaning of a legal representative under subsection (11) of Section 2 of the Code of Civil Procedure, 1908, which reads as follows:

*“Legal representative” means a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued”.*

6. His submission is that if the definition under subsection (11) of Section 2 of the Code of Civil Procedure, 1908, is applied, any person who in law represents the estate of the deceased person would be a legal representative and include any person who intermeddles with the estate of the deceased and where a party sues or is sued in a different character, the person on whom the estate devolves on the death of the party so suing or sued. On that



basis, he submits that in terms of the decision in the case of **Montford Brothers** (supra) the Mutt of which the deceased was the Swamiji, the services of the Swamiji having been denied on account of his death, the Mutt was entitled to compensation on account of loss dependency and the said Tribunal could not have denied the same.

7. Smt. Preeti Patil Melkundi, learned counsel appearing for the Insurance Company supports the order passed by the Tribunal and submits that the Tribunal by considering the decision of the Hon'ble Kerala High Court in the case of **Oriental Insurance Company Limited vs. Mother Superior and others** reported in **1994 ACJ 673** held that the successor of a Mutt is not a dependent upon the deceased Swamiji because the Swamiji's life was independent and as such, the Tribunal has rightly rejected the compensation on account of loss of dependency.
8. Heard Sri.Krupa Sagar Patil, learned counsel for the appellant, Smt. Preeti Patil Melkundi, learned counsel for the respondent-Insurance Company, perused the papers.



9. The short question that would arise for consideration in the present matter is whether the Mutt or the Successor of the Mathadipati would be a legal representative on the death of the Mathadipati in a road traffic accident entitling the Mutt for compensation on account of loss of dependency?
10. The Tribunal, in our considered opinion, has fallen into error in referring to the status of a Mathadipati by holding that a Mathadipati belonging to a religious order is an ascetic who severs all connections with the members of his natural family, and that, as such, there can be no dependency. The severance considered by the Tribunal pertains only to the material renunciation undertaken upon accepting an ascetic life, and not to a complete disassociation in all respects. In the present case, the person who accepted the ascetic life continued to serve the needs of the Mutt and discharged managerial duties in respect of the said Mutt.
11. This aspect has been considered in depth by the Hon'ble Supreme Court in **Montford Brothers's** case (supra). In the said decision, the Hon'ble Supreme Court undertook a purposive interpretation of the expression "legal representative" and held that



the term cannot be confined to heirs in the strict sense of succession law. By invoking the inclusive definition under Section 2(11) of the Code of Civil Procedure, the Court emphasised that the expression is designedly broad so as to encompass all persons or entities who represent, in law or in fact, the estate or interest of the deceased.

12. The Hon'ble Supreme Court, in clear and unambiguous terms, held that the expression 'legal representative' is of wide amplitude and includes not only legal heirs but also those who represent the estate of the deceased or on whom the estate devolves.
13. The Hon'ble Supreme Court further observed that where a person has renounced his material ties and devoted himself to a religious order, the institution to which he belongs cannot be said to be a stranger to his estate or earnings, if such earnings or services enure to the benefit of the institution.
14. Thus, the Hon'ble Supreme Court recognised that the concept of legal representation in compensation jurisprudence is functional and not merely genealogical.



15. The Hon'ble Supreme Court proceeded to hold that even where a deceased had severed ties with his biological family upon entering religious service, it cannot be presumed that there are no dependants. In such circumstances, the religious institution—being the recipient of the fruits of his labour and service, would stand in the position of a legal representative and would be entitled to claim compensation. The Hon'ble Supreme Court thereby expanded the traditional understanding of dependency to include institutional and economic dependency, in addition to familial dependency.
16. The ratio of the aforesaid judgment applies with greater force to the facts of the present case. The deceased herein was a Mathadipati of Bale Honnur Shrimad Rambapur Virsinhasan Mutt, Achaler, Taluk Lohara, District Osmanabad. The position of a Mathadipati is not that of an ordinary individual earning for personal sustenance, but that of a spiritual head whose role is integrally connected with the functioning, administration, and continuity of the Mutt.
17. It is a matter of settled understanding that upon assuming the office of a Mathadipati, the individual



renounces personal ownership and material pursuits. The offerings, income, and benefits associated with the position are not appropriated for personal gain but accrue to the Mutt as a religious and juristic institution. The Mathadipati, therefore, acts not in his individual capacity but as a custodian and representative of the institution.

18. In such a framework, the economic relationship is inverted from the conventional model. Instead of the individual supporting dependants, it is the institution that derives benefit from the individual's position, services, and spiritual authority. The dependency, therefore, is institution-centric, and the loss occasioned by the death of the Mathadipati is borne by the institution in terms of disruption of leadership, administration, and continuity of its activities.
19. The claim petition in the present case has been filed by the claimant representing the Mutt and not in an individual capacity. This distinction is of critical importance. The compensation, if awarded, would not enure to the benefit of any natural person, including the successor Swamiji, who is likewise an ascetic and bound by similar renunciatory principles.



The benefit would vest in the Mutt as a continuing religious entity.

20. The Tribunal, in denying compensation on the ground that there were no dependants, has adopted an unduly restrictive and formalistic interpretation of the concept of dependency. Such an approach fails to take into account the broader jurisprudential evolution in motor accident compensation law, where dependency is not confined to blood relations but extends to all those who are economically or functionally reliant on the deceased.
21. The error of the Tribunal lies in equating dependency exclusively with familial dependency and overlooking institutional dependency. This is contrary to the law laid down by the Hon'ble Supreme Court, which clearly recognises that the expression "legal representative" must be interpreted in a manner that advances the object of compensation law, namely, to provide restitution for loss caused by death.
22. The death of a Mathadipati results not merely in the cessation of an individual life, but in a tangible institutional loss, including:
  - 22.1. loss of spiritual leadership,



22.2. disruption of administrative continuity,

22.3. diminution in institutional efficacy, and

22.4. potential impact on offerings and institutional income.

23. Such loss is neither speculative nor remote, but is a direct consequence of the death and is therefore compensable in law.

24. It must also be noted that the law of compensation, particularly under the Motor Vehicles Act, is a beneficial legislation, intended to provide just and equitable relief. The interpretation of expressions such as "legal representative" and "dependency" must, therefore, be liberal and purposive, rather than restrictive.

25. In light of the above, we are of the considered opinion that:

25.1. the Mutt represents the estate and interest of the deceased in a legal and functional sense;

25.2. the Mutt qualifies as a "legal representative" within the meaning of law;



- 25.3.the Mutt has suffered institutional and economic loss on account of the death; and
- 25.4.the denial of compensation by the Tribunal is contrary to settled legal principles.
26. The reasoning of the Tribunal, therefore, cannot be sustained and is liable to be set aside. The claim for compensation, including under the head of loss of dependency, is maintainable at the instance of the Mutt.
27. Insofar as the calculation of loss of dependency, Smt. Preeti Patil Melkundi, learned counsel for Insurance Company submits that there is no document which had been produced by the appellant before the Tribunal to establish the earning of the diseased. Even if that were to be accepted, this Court has consistently been following the application of the notional salary fixed for the purpose of Lok Adalat by the Karnataka State Legal Services Authority.
28. The accident having occurred in the year 2011, the notional income was Rs.6,000/- per month, the deceased being aged 65 years, the appropriate multiplier would be '7'. Hence, Future prospects at 10% of notional income is to be added in terms of



decision in ***National Insurance Company Limited vs. Pranay Sethi and Others*** reported in ***AIR 2017 SC 5157*** which comes to Rs.6,600/-. The deceased being ascetic, there would be no requirement for the awardal of loss of consortium.

29. In view of the decision, in ***Pranay Sethi's***, case (supra), loss of estate could have been awarded at a rate of Rs.15,000/- and not Rs.1,00,000/- as awarded by the Tribunal. Hence, it has to be reduced.
30. Though the claimant claimed that the deceased was 55 years at the time of death, as per the post mortem report, Exhibit-P4, it is seen that at the time of his death, he was 65 years, requiring a multiplier of '7' to be applied.
31. Loss of dependency is to be calculated as  $\text{Rs.}6,600 \times 7 \times 12 = 5,54,400/-$ .
32. Insofar as the conventional heads are concerned, an amount of Rs.15,000/- each is ordinarily awardable towards loss of estate. However, in view of the law laid down by the Hon'ble Supreme Court in ***Pranay Sethi's*** case (supra), the amounts under these heads are required to be enhanced by 10% once in



every three years, so as to offset inflation and maintain the real value of compensation.

33. The said enhancement is not by way of simple addition, but operates as a cumulative escalation, i.e., each successive increase is applied on the revised figure of the preceding block.
34. Accordingly, the base amount of Rs.15,000/- as fixed in ***Pranay Sethi (2017)*** would stand enhanced as per the correct cumulative recalculation up to 2026, applying 10% enhancement every three years on a compounding basis:

Base (2017): Rs.15,000/-

2020 (1<sup>st</sup> triennial increase): Rs.15,000 + 10% =  
Rs.16,500/-

2023 (2<sup>nd</sup> triennial increase): Rs.16,500 + 10% =  
Rs.18,150/-

2026 (3<sup>rd</sup> triennial increase): Rs.18,150 + 10% =  
Rs.19,965/-

35. Similarly, insofar as the conventional heads of funeral expenses which was fixed at Rs.15,000/- with enhancement at 10% as indicated supra would come to Rs.19,965/- in the year 2026.



36. Thus, in view of the above, the comparative table of compensation awarded by the Tribunal and by this Court is under:

Sl. No.	Heads of account	Compensation awarded by the Tribunal	Compensation awarded by this Court	Enhanced compensation
1	Loss of dependency	.....	Rs.5,54,400/-	Rs.5,54,400/-
2	Loss of estate	Rs.1,00,000/-	Rs.19,965/-	(-)Rs.80,035/-
3	Funeral expenses	Rs.20,000/-	Rs.19,965/-	(-)Rs.35/-
	Total	Rs.1,20,000/-	Rs.5,94,330/-	Rs.4,74,330/-

37. Hence, we pass the following:

**ORDER**

- i. The appeal is ***allowed in part.***
- ii. The impugned judgment and award passed by the Tribunal is modified. The claimant is entitled to enhanced compensation of Rs.4,74,330/- with interest at the rate of 6% per annum from the date of petition till the date of realization.



- iii. The second respondent/insurance company is directed to deposit the compensation amount within a period of four weeks from date of the receipt of certified copy of this judgment.

**Sd/-  
(SURAJ GOVINDARAJ)  
JUDGE**

**Sd/-  
(TYAGARAJA N. INAVALLY)  
JUDGE**

VNR  
List No.: 2 Sl No.: 8  
Ct;VK