



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 103162 OF 2015

(MV-D)

BETWEEN:

1. SMT. G. SUSHEELAMMA
W/O. LATE GOLLA JANARDHANA
AGE: 41 YEARS OCC: HOUSEHOLD
2. MISS G. SHARADA D/O. LATE GOLLA
JANARDHANA
AGE: 22 YEARS OCC: STUDENT,
3. MISS G. GEETHA D/O. LATE GOLLA JANARDHANA
AGE: 20 YEARS OCC: STUDENT
4. MISS G. MAMATHA D/O. LATE GOLLA
JANARDHANA
AGE: 18 YEARS OCC: STUDENT
ALL ARE R/O: MILLERPET, BELLARI.

...APPELLANTS

(BY SRI. S.M. KALWAD, ADVOCATE)



AND:

1. J. BHASKAR S/O. J.VENKATESH
AGE: 26 YEARS OCC: DRIVER
R/O: KUMMARAVANDANAPALLI VILLAGE,
KADIRI MANDALAM, DIST: ANANTAPUR.
2. ANDHARA PRADESH STATE ROAD TRANSPORT
CORPORATION BY ITS
CONTROLLER AND M.D.,
REGIONAL MANAGER, RAYADURGA DEPOT,
ANANTHAPUR DIVISION, ANDHRA PRADESH.
...RESPONDENTS

(BY NOTICE TO R1 IS DISPENSED WITH V/O. DATED:
05.12.2017;
SMT. ARUNA DESHPANDE, ADVOCATE FOR R2 (VC))

THIS MFA IS FILED UNDER SECTION 173(1) MOTOR
VEHICLES ACT, 1988, PRAYING TO MODIFY THE JUDGMENT
AND AWARD DATED 10.12.2014 MADE IN
M.V.C.NO.269/2014 PASSED BY THE COURT OF III MOTOR
ACCIDENT CLAIMS TRIBUNAL, BELLARI AND
CONSEQUENTLY ENHANCE THE COMPENSATION AMOUNT
AS CLAIMED IN THE CLAIM PETITION, IN THE INTEREST OF
JUSTICE AND EQUITY.

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



ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988, praying for enhancement of compensation by the claimants unsatisfied by the judgment and award passed in MVC No.269/2014 dated 10.12.2014 on the file of the III Motor Accident Claims Tribunal, Bellary, (for short, 'the Tribunal').

2. The parties would be referred to as per their rankings before the Tribunal, for the sake of convenience and clarity.

3. The case of claimants before trial Court in nutshell is that on 11.07.2013 at 03.00 p.m., Golla Janardhan and others boarded in an auto rickshaw bearing registration No.AP-02/TA-0325 from Rayadurga to Gramadatla Village and it met with an accident with APSRTC Bus bearing registration No.AP-11/Z-1831 on Rayadurga-Kanekal road near T. Veerapuram forest and because of the accident, the auto turtle on its left side and inmates of said



auto rikshaw including this Golla Janardhan have sustained injuries and Golla Janardhan died at the spot itself. The claimants contended that they are the wife and unmarried daughters of deceased and they were entirely depending upon the deceased for their livelihood. The deceased was aged about 35 years and doing agricultural work getting salary of ₹.10,000/- per month. Hence, prayed for compensation under different heads.

4. On service of notice to respondents, respondent No.1 remained absent and respondent No.2-APSRTC represented by its counsel filed the objection statement wherein it admitted the validity of policy as on the date of accident. However, contented that the accident happened due to rash and negligent driving of driver of the auto driver and hence, they prayed for dismissal of petition.

5. On behalf of claimants, claimant No.1 was examined as P.W.1, got marked documents at Exs.P.1 to



P.10 and closed their side before the Tribunal. On behalf of respondents, no evidence was let in.

6. After recording evidence of both sides and hearing arguments of both sides, the Tribunal came to the conclusion that the accident happened due to rash and negligent driving of driver of the APSRTC bus bearing registration No.AP-11/Z-1831 and saddled the liability on respondent No.2, holding that the claimants are entitled for compensation at ₹.7,00,000/- under the following different heads:

1.	Loss of dependency	Rs.6,30,000/-
2.	Transportation of dead body and funeral expenses	Rs.20,000/-
3.	Loss of consortium to the 1 st petitioner	Rs.25,000/-
4.	Loss of estate	Rs.25,000/-
	Total	Rs.7,00,000/-

7. Praying for enhancement of the compensation, appellants are before this Court.



8. Having heard the arguments of both sides and verifying the records, the only point that arises for consideration is "*Whether the claimants are entitled for enhanced compensation?*"

9. Finding of this Court on the above point is in "*affirmative*" for the following reasons:

10. The date, time and place of accident and the age of deceased are not in dispute. The accident happened in the year 2013. The age of deceased was 45 years. He was doing agriculture and thus, no document is produced to show what his actual income was. Under those circumstances, relying on the KSLSA guidelines, notional income of the deceased will be taken at ₹.7,000/- as the accident occurred in the year 2013. Relying upon the judgment of ***National Insurance Company Limited Vs. Pranay Sethi & Others***¹, 25% of the above income is to be added towards future prospects as deceased was aged

¹ 2017(16) SCC 680



about 45 years as on the date of accident. Hence, if 7,000/- plus this 25% future prospects is added, his income per month would be ₹.8,750/-. There were 4 dependents on the deceased. Hence, relying upon judgment of Honb'le Supreme Court in the case of ***Sarla Verma and Others Vs. Delhi Transport Corporation and Another***², 1/4th of his income i.e. ₹.2,188/- is to be deducted towards his personal expenses from the aforesaid income. Hence, the income of deceased that would spend towards claimants is ₹.6,562/- per month. It is to be multiplied by '12' to get his annual income and the relevant multiplier is '14' as per ***Sarla Verma's*** case (supra). Hence, the claimants are entitled for ₹.11,02,416/- under this head instead of ₹.6,30,000/- awarded by the Tribunal.

11. As far as transportation of dead body and funeral expenses, as per the dictum of **Pranay Sethi's** case (supra) and **Magma General Insurance Company Limited**

² (2009) 6 SCC 121



Vs. Nanu Ram & Others³ case. ₹.15,000/- plus 10% escalation charges to be awarded; whereas the Tribunal has awarded ₹.20,000/- and hence, it is to be reduced to ₹.16,500/-; likewise, the amount towards loss of estate to be awarded is ₹.15,000/- plus 10% escalation charges to be awarded as per the dictum of the judgment cited supra. But, it was awarded at ₹.25,000/- by the Tribunal and hence it is to be reduced to ₹.16,500/-. As far as loss of consortium is concerned, the Tribunal has awarded loss of consortium at ₹.25,000/- only to the first petitioner. However, as per the guidelines given by ***Pranay Sethi's*** case and ***Magma's case*** cited supra, as the accident occurred in the year 2013, all the claimants are entitled for ₹.44,000/- each towards loss of consortium. The petitioners are entitled for compensation under the head loss of spousal consortium to claimant No.1 and parental consortium to claimant Nos.2 to 4 i.e. ₹.44,000/- each (including 10% escalation) so in total ₹.1,76,000/-. Thus,

³ (2018)18 SCC 130



they are entitled for ₹.1,76,000/- under the said head. The total compensation to be awarded to claimants is ₹.13,11,416/- instead of ₹.7,00,000/- under following heads:

1.	Loss of dependency	₹.11,02,416/-
2.	Transportation of dead body and funeral expenses	₹.16,500/-
3.	Loss of consortium to petitioner No.1 to 4 (40,000X4=16,00,000/-)	₹.1,76,000/-
4.	Loss of estate	₹.16,500/-
	Total	₹.13,11,416/-

12. For the reasons recorded above, I proceed to pass the following:

ORDER

a) The appeal filed by the claimants is ***allowed in part.***

b) The impugned judgment and award of the Tribunal is modified holding that the claimants are entitled to modified compensation of ₹.13,11,416/- as against ₹.7,00,000/- awarded by the Tribunal.



- c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till realization.
- d) The respondent/insurance company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of eight weeks from the date of receipt of certified copy of this judgment.
- e) The apportionment, disbursement and deposit of the enhanced compensation shall be made as per award of the Tribunal.
- f) Draw modified award accordingly.
- g) No order as to costs.

Sd/-
(GEETHA K.B.)
JUDGE

VMB
CT-CMU
LIST NO.: 1 SL NO.: 19