



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 630 OF 2021 (MV-D)

BETWEEN:

1. M KAVYA,
D/O LATE H C MANJUNATHA,
AGED ABOUT 17 YEARS,
MINOR,
REPRESENTED BY THEIR NATURAL GUARDIAN AND
GRANDMOTHER APPELLANT NO.3

R/O HAROHALLY TOWN,
PANDAVAPURA TALUK,
MANDYA DISTRICT - 571 434.

2. M CHANDANA,
D/O LATE H C MANJUNATHA,
AGED ABOUT 16 YEARS,
MINOR,
REPRESENTED BY THEIR NATURAL GUARDIAN AND
GRANDMOTHER APPELLANT NO.3

R/O HAROHALLY TOWN,
PANDAVAPURA TALUK,
MANDYA DISTRICT - 571 434.

3. SMT PUTTATHYAMMA,
W/O LATE CHIKKEGOWDA,
AGED ABOUT 67 YEARS,
R/O HAROHALLY TOWN,
PANDAVAPURA TALUK,
MANDYA DISTRICT - 571 434.

...APPELLANTS

(BY MS.VAIBHAVI., ADVOCATE)

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by
SHARADAVANI
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Location: High
Court of
Karnataka



AND:

1. SATHEESHA,
S/O LATE RAMEGOWDA,
AGED ABOUT 50 YEARS,
R/O PANDAVAPURA SHAMUNAHALLY ROAD,
NEAR FOREST OFFICE, KRISHNANAGAR,
PANDAVAPURA TOWN,
PANDAVAPURA TALUK - 571 435.
2. THE MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
BALLAL CIRCLE, NEAR RTO OFFICE,
MYSORE - 570 001.

...RESPONDENTS

(BY SRI.JANARDHAN REDDY., ADVOCATE FOR R-2;
R-1 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.03.2019 PASSED IN MVC NO.962/2018 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND JMFC, PANDAVAPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimants being aggrieved by the judgment and award dated 30th March 2019, passed by the Principal Senior Civil Judge and JMFC, Pandavapura (for short



`Tribunal'), in MVC No.962/2018, seeking enhancement of compensation.

Though this appeal is slated for orders, with the consent it is taken up for final disposal.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. The brief facts of the case are that, on 26.02.2018 deceased-H.C.Manjunatha met with an accident while travelling on a motorcycle bearing registration No.KA-11/9-8389 on Pandavapura - KRS road, due to rash and negligent driving of the goods vehicle bearing registration No.KA-11/A-7937. Due to the impact, he sustained grievous injuries and succumbed to the injury at the spot.

4. The claimants contended that the deceased was aged about 40 years and was earning Rs.12,000/- per month. The claimants being minor children and mother of the deceased were dependent on his earnings. With these reasons, claimants prayed to award compensation.



5. Respondent No.2-insurer disputed the averments in the claim petition and denied its liability to pay the compensation.

6. From the rival contentions of the parties, the Tribunal framed necessary issues, for its determination.

7. The claimants to prove their case examined two witnesses as PW-1 and PW-2 and marked 17 documents, as per Exs.P-1 to P-17. Respondents have not led any oral and documentary evidence.

8. The Tribunal after hearing both parties and appreciating the evidence on record, held that the accident occurred due to rash and negligent driving of the offending vehicle by its driver. The Tribunal has taken income of the deceased as Rs.9,000/- per month, $\frac{1}{3}^{\text{rd}}$ of his income was deducted towards personal expenses, 40% of his income added towards future prospects, his age was taken as 35 years, applied multiplier as '16' and awarded the following amount of compensation:



Particulars	Amount in Rs.
Loss of dependency	16,12,800/-
Love and affection	45,000/-
Funeral expenses and transportation of dead body	15,000/-
<i>Total</i>	<i>16,72,800/-</i>

9. Learned counsel for the appellants vehemently contends that according to the claimants, the deceased was earning Rs.12,000/- per month. The Tribunal has not accepted the same. Even if we consider the notional income chart of the Karnataka State Legal Services Authority, the income of the deceased would be Rs.12,500/- per month. Therefore, it is respectfully submitted that the income of the deceased be assessed at Rs.12,500/- per month, while maintaining the other factors as determined by the Tribunal, and that compensation be awarded accordingly. It is further submitted that the compensation is not calculated under the conventional heads on the basis of law laid down in the cases of ***National Insurance Company Limited Vs. Pranay Sethi & Others***¹ as well as ***Magma General Insurance Co. Ltd. Vs. Nanu***

¹ AIR 2017 SC 5157



Ram Alias Chuhru Ram and Others². Therefore, prayed to enhance the compensation in accordance with the law.

10. The claimants contended that the income of the deceased was Rs.12,000/- per month, as rightly contended by the learned counsel for the appellants, as per the notional income chart prepared by the Karnataka State Legal Services Authority, the notional income would be Rs.12,500/- per month and the claim of the claimants is lesser than the said amount, therefore, the amount stated in the claim petition is taken as income of the deceased. 40% has to be added towards future prospects and the multiplier applicable in this case is '16'. Since the deceased left behind his three dependants, $\frac{1}{3}^{\text{rd}}$ has to be deducted towards personal expenses. On the basis of the said factors, compensation is calculated under the head loss of dependency.

11. The Tribunal has not awarded compensation under the conventional heads in accordance with the aforesaid decisions and therefore, the same requires recalculation.

² (2018) 18 SCC 130



Accordingly, the claimants are entitled to the following amount of compensation:

Particulars	Amount in Rs.
Loss of dependency (12,000+40%x12x16x2/3)	21,50,400/-
Loss of consortium (40,000x3)	1,20,000/-
Loss of estate	15,000/-
Funeral expenses	15,000/-
Total	23,00,400/-
<i>Amount awarded by the Tribunal</i>	16,72,800/-
<i>Enhancement-</i>	6,27,600/-
<i>Rounded off-</i>	6,28,000/-

12. The claimants are entitled to interest on the said amount at the rate of 6% per annum from the date of claim petition till its realisation. Undisputedly, respondents are jointly and severally liable to pay the said amount.

13. In the result, I proceed to pass the following:

ORDER

- i) The Appeal is ***allowed in part.***



ii) The judgment and award dated 30th March 2019, passed in MVC.No.962/2018, by the Principal Senior Civil Judge and JMFC, Pandavapura, stands modified;

iii) The claimants are entitled to enhanced compensation of Rs.6,28,000/-, with interest at the rate of 6% p.a. from the date of petition till its realization, excluding delayed period of 215 days in filing the appeal.

iv) The respondent No.2 - Insurance Company shall deposit the amount within a period of six weeks from the date of award.

v) The remaining portion of the award is not disturbed.

vi) Draw award accordingly.

Registry is directed to send copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE