

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF DECEMBER, 2025**

**BEFORE**

**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**

**MISCELLANEOUS FIRST APPEAL NO.4240 OF 2017 (MV-D)**

**BETWEEN:**

SMT. SAKAMMA  
AGED ABOUT 58 YEARS  
W/O LATE NARASIMHA REDDY @ N. NARASIMHAIAH  
R/A MUDUGERE VILLAGE  
HOSURU HOBLI, GOWRIBIDANUR TALUK  
CHICKBALLAPUR-561 208.

...APPELLANT

(BY SRI. NAGARAJA REDDY D., ADVOCATE)

**AND:**

MELYA JAYAKUMAR KRISHNA MOHAN  
MAJOR,  
S/O MELYA JAYAKUMAR  
R/A NO.11-2-4, OM COLONY  
HINDUPUR TOWN, ANANTAPUR DISTRICT.

...RESPONDENT

(V/O DATED 6.1.2025, NOTICE TO HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.11.2016 PASSED IN MVC NO.124/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C., GOWRIBIDANUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 01.12.2025 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

**CAV JUDGMENT**

This appeal is by the appellant/claimant filed under Section 173(1) of Motor Vehicles Act, 1988 (in short 'MV Act') seeking for enhancement of compensation, challenging the judgment and award dated 02.11.2016 in MVC No.124/2015, passed by the Senior Civil Judge and JMFC, Motor Accident Claims Tribunal at Gowribidanur (for short, 'Tribunal').

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

3. The brief facts of the case before the Tribunal are as under:

On 11.01.2015, at about 2.00 p.m., deceased Narasimha Reddy was riding his bicycle slowly and cautiously on the left side of Mudugere-Kotaladinne road,

when he reached Kotaladinne Bridge, the rider of Yamaha Motor cycle bearing Reg.No.AP-02-AH-6513 came in a rash and negligent manner and dashed against the deceased. Due to the impact, deceased fell down and sustained severe injuries and he succumbed to the injuries while shifting to the Gowribidanur Government General Hospital. Hence, claimant filed claim petition under Section 166 of the MV Act, seeking compensation of Rs.20,00,000/-.

4. Upon service of notice, respondent has appeared through his counsel but has not filed any objections to the petition.

5. On the basis of the pleadings, the Tribunal framed issues and recorded the evidence. The petitioner was examined as PW-1 and got marked documents at Exs.P1 to P-15. On the other hand, respondent was neither examined nor marked any documents.

6. After hearing the parties and on perusal of the documents, the Tribunal has allowed the petition in part and awarded compensation of Rs.2,44,000/- with interest at the rate of 6% per annum from the date of petition till realization.

7. Heard learned counsel appearing for the appellant and perused the material on record.

8. Learned counsel for the appellant submits that the occurrence of accident and death of said Narasimha Reddy is not in dispute. Therefore, there is no need to reconsider the same. The contention of the claimant is that the Tribunal ought to have taken notional income as Rs.9,000/- per month following the chart prepared by the Karnataka State Legal Services Authority. But, it has taken income at Rs.3,000/- per month. Therefore, compensation under the head 'loss of dependency' may be re-calculated taking notional income as Rs.9,000/- per month as the accident is of the year 2015. He further submits that amount of compensation awarded under the conventional heads is on the lower side. It is also contended by him

that the Tribunal has failed to consider the law laid down by the Apex Court in the case of ***Magma General Insurance Company Limited vs. Nanu Ram & Others*** reported in ***(2018) 18 SCC 130*** and reiterated by the Division Bench of this Court in M.F.A.No.1100/2019 & connected matters disposed of on 12.06.2019 in awarding compensation towards 'loss of consortium'. He therefore prays this Court to allow the appeal and enhance the compensation by modifying the impugned judgment and award passed by the Tribunal.

9. It is contended that the deceased was doing Agriculture, sheep business and milk vending business and was earning a sum of Rs.100/- per day. The accident has taken place in the year 2015 and as per the chart prepared by the Karnataka State Legal Services Authority, income of the deceased is taken at Rs.9,000/- per month. As the deceased was aged 79 years, the multiplier applicable is '5' and 1/3<sup>rd</sup> of his income has to be deducted towards personal expenses. Accordingly, as per ***National Insurance Company Limited vs. Pranay Sethi and***

**others** reported in **(2017) 16 SCC 680**, 'loss of dependency' works out to **Rs.3,60,000/-** (9,000 x 12 x 5 x 2/3)

10. The Tribunal has awarded compensation towards 'loss of consortium' to the appellant at Rs.1,00,000/- which is in excess. Hence, a sum of **Rs.40,000/-** is awarded towards loss of consortium.

11. The Tribunal has erred in not awarding compensation under the head 'loss of estate' and a sum of **Rs.15,000/-** is awarded under this head and a sum of **Rs.15,000/-** is awarded towards 'transportation of dead body'.

12. Thus, the total compensation re-determined by this Court under various heads are as follows:

|    |                                                         |            |                   |
|----|---------------------------------------------------------|------------|-------------------|
| 1. | Loss of Dependency                                      | Rs.        | 3,60,000/-        |
| 2. | Loss of consortium                                      | Rs.        | 40,000/-          |
| 3. | Toward funeral expenses and transportation of dead body | Rs.        | 15,000/-          |
| 4. | Loss of estate                                          | Rs.        | 15,000/-          |
|    | <b>TOTAL</b>                                            | <b>Rs.</b> | <b>4,30,000/-</b> |

13. The appellant – claimant is entitled for total compensation of **Rs.4,30,000/-** along with interest at the rate of 6% per annum.

14. Accordingly, for the foregoing reasons, I proceed to pass the following:

**ORDER**

- i) The appeal is ***allowed-in-part***;
- ii) The judgment and award passed by the Tribunal in MVC.No.124/2015, dated 02.11.2016, passed by the Senior Civil Judge & JMFC, Motor Accident Claims Tribunal, at Gowribidanur is modified;
- iii) The appellant – claimant is entitled for total compensation of **Rs.4,30,000/-** along with interest at the rate of 6% per annum from the date of filing of the petition till realization;
- iv) The compensation amount along with accrued interest if any, shall be deposited by the

respondent within eight weeks from the date  
of receipt of copy of this Judgment.

v) No order as to costs.

**Sd/-**  
**(DR.K.MANMADHA RAO)**  
**JUDGE**

GSR/MH