



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 6550 OF 2021 (MV-D)

BETWEEN:

1. SRI. A. BASAPPA
S/O. DODDADIVAPPA,
AGED ABOUT 62 YEARS,
2. SMT. SHIVAMMA
W/O. A. BASAPPA,
AGED ABOUT 52 YEARS,
3. AMITHA H B,
D/O. A. BASAPPA,
AGED ABOUT 29 YEARS,
4. ASHIWINI H.B,
D/O. A. BASAPPA,
AGED ABOUT 26 YEARS,
5. AAHLA H.B,
D/O A. BASAPPA,
AGED ABOUT 21 YEARS,

ALL ARE RESIDENTS OF:
R. HOSAKOTE VILLAGE,
RAJAVANTHI POST,
KASABA HOBLI,
PAVAGADA TALUK,

NOW RESIDING AT:
K.R EXTENSION,
MADHUGIRI TOWN,
TUMAKURU DISTRICT-572 132.

...APPELLANTS

(BY SRI. SATHISHA T., ADVOCATE)

Digitally signed
by
ANNAPURNA G
Location: HIGH
COURT OF
KARNATAKA



AND:

1. SRI. RAMANJI V,
S/O VENKATAPPA,
AGED ABOUT 37 YEARS,
R/O YARAPALYA VILLAGE,
GUNDLAHALLI POST,
KASABA HOBLI,
PAVAGADA TALUK,
TUMAKURU DISTRICT-572 101.
2. IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD.,
SHRI SHANTHI TOWER,
5TH FLOOR, NO.141,
3RD MAIN ROAD, N.G.E.F LAYOUT,
EAST KASTHURI NAGARA,
BENGALURU-560 043.

...RESPONDENTS

(BY SRI.H.S. LINGARAJU, ADVOCATE FOR R2,
VIDE ORDER DATED 13.12.2022,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 23.03.2021 IN MVC
NO.535/2019 ON THE FILE OF THE IV ADDITIONAL DISTRICT
JUDGE, MACT, TUMAKURU, MADHUGIRI, DISMISSING THE
CLAIM PETITION FOR COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, 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 23.03.2021 passed by the 4th Additional District Judge and MACT, Tumakuru, sitting at Madhugiri (for short 'the Tribunal), seeking enhancement of compensation.

2. This matter is listed for admission and with the consent of both sides it is taken up for final disposal.

3. The brief facts of the case are that on 18.03.2019, deceased Anil kumar along with his friends was travelling in a car bearing registration number KA-64-3571 and driver of the said car was driving the vehicle in a rash and negligent manner. As a result, it met with an accident. The said Anil Kumar sustained fatal injuries and succumbed to the side injury at the spot. It is further contention of the claimants that he was aged about 23 years. He was doing business and earning Rs.30,000/- per month and he was



contributing his earning to the family. Therefore, prayed to award the compensation. The claimants are his parents, and sisters.

4. From the rival contentions of the parties, the Tribunal framed necessary issues.

5. The claimants to prove their case examined two witnesses as PW-1 and PW-2 and marked 15 documents, as per Exs.P-1 to P-15. The respondent neither examined any witnesses nor marked the documents.

6. The Tribunal after hearing both parties and appreciating the evidence on record, awarded following amount of compensation:

Particulars	Amount in Rs.
Loss of dependency	23,24,808
Transportation expenses	10,000
Funeral expenses	16,500
Loss of consortium	44,000
Loss of estate	16,500
<i>Total</i>	<i>24,11,808</i>
<i>Rounded off to Rs.</i>	<i>24,12,000</i>



Being dissatisfied with the award passed by the Tribunal, the claimants have filed present appeal for enhancement of the compensation.

7. Heard the arguments of the learned counsel appearing for the claimants as well as learned counsel for respondent.

8. The Tribunal after assessing the materials available on record, held that accident had taken place due to rash and negligent driving of offending car by its driver causing death of Anil Kumar. The said finding is not challenged by respondent No.2. Hence, there is no need to reconsider the same.

9. The Tribunal has taken income of the deceased as Rs.10,500/- per month, added 40% of income towards future prospects, deducted 50% towards personal expenses and applied multiplier as '18' and assessed the compensation under the head 'loss of dependency'.



10. The contention of learned counsel for the appellant is that the income taken by the Tribunal is on the lower side not only comparing to the pleadings and evidence of the petitioners, but also as per the notional income chart prepared by the counsel. Therefore income has to be considered at least as per the chart prepared by the Karnataka State Legal Services Authority. He further contended that amount of compensation awarded under the head loss of consortium is also on the lower side. The Tribunal has not followed the law laid down in the case of ***Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram***¹, though it was referred in the impugned judgment. Therefore, prayed to enhance the amount of compensation on the above said heads.

11. The learned counsel for respondent No.2 supported the impugned judgment and submits that there is no error in the findings of the Tribunal and prayed to dismiss the appeal.

¹ (2018) ACJ 2782



12. The claimants in the pleading and evidence have contended that deceased was earning Rs.30,000/- per month. They were unable to substantiate the said contentions. Therefore, Tribunal has taken income as Rs.10,500/- per month. Comparing to chart prepared by the Karnataka State Legal Services Authority, the said income is on the lower side. It has to be enhanced to Rs.14,000/- per month as per the said chart. Remaining factors such as addition of 40% towards future prospects and deduction of 50% towards personal expenses and application of the multiplier as '18' are not disputed. On the basis of the said factors, the compensation under the head 'loss of dependency' is re-calculated. Similarly, as per law laid down in the ***Magma General Insurance Company Limited*** (referred supra) the compensation on the head loss of consortium is to be recalculated. As rightfully submitted by learned counsel for respondent, compensation under the conventional head i.e. Funeral expenses is fixed. Therefore, addition of Rs.4,000/- towards transportation expenses



cannot be awarded. Therefore, said amount needs to be deducted from the total amount of compensation.

13. From the above said discussions, claimants are entitled to following amount of compensation:

Particulars	Amount in Rs.
Loss of future earnings due to disability (Rs.14,000+40% $\times$ 12 $\times$ 18 $\times$ 1/2)	21,16,800
Funeral expenses	16,500
Loss of consortium	2,20,000
Loss of estate	16,500
Total	23,69,800
Amount awarded by the Tribunal	16,75,000
Enhancement	6,94,800
Rounded off	6,95,000

14. Respondents are liable to pay the said amount and claimants are entitled to interest on the enhanced amount at the rate of 6% per annum from the date of claim petition till its realization.

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



ORDER

- i) The appeal is ***allowed in part.***
- ii) The impugned judgment and award dated 23.03.2021 passed by the IV Addl.District Judge and MACT, Tumakuru, sitting at Madhugiri, in MVC.No.535/2019 is modified;
- iii) The claimant is entitled to enhanced compensation of Rs.6,95,000/-, with interest at the rate of 6% p.a., from the date of petition till its realization.
- 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 of the Tribunal shall remain unaltered.
- vi) Draw award accordingly.



NC: 2025:KHC:49385
MFA No. 6550 of 2021

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

Sd/-
(UMESH M ADIGA)
JUDGE

AG
List No.: 1 Sl No.: 31