



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 451 OF 2020 (MV-D)

BETWEEN:

1. SMT. VASANTHA @ VASANTHA KUMARI
W/O LATE SHESHAPPA @ SHESHANNA,
AGED ABOUT 42 YEARS,
2. BHARATH B S
S/O LATE SHESHAPPA @ SHESHANNA,
AGED ABOUT 29 YEARS,
3. SHARATH KUMAR B S
S/O LATE SHESHAPPA AT SHESHANNA,
AGED ABOUT 28 YEARS,
4. BORAMMA
W/O SHIVAIAH
M/O LATE SHESHAPPA @ SHESHANNA,
AGED ABOUT 72 YEARS,

ALL ARE RESIDING OF HOUSE NO.50,
BALLAGATTA VILLAGE, BEGUR HOBLI,
CHANARAYAPATNA TALUK,
HASSAN DISTRICT - 573 116.

...APPELLANTS

(BY SRI. CHETHAN B, ADVOCATE)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



AND:

DIVISIONAL CONTROLLER,
K.S.R.T.C., TURUVEKERE DEPOT,
TUMKUR DIVISION.
REPRESENTED BY THE MANAGER,
K.S.R.T.C, HASSAN DIVISION,
HASSAN - 573 201.

...RESPONDENT

(BY SRI. D. VIJAY KUMAR, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 31.08.2019 PASSED IN MVC NO.1996/2017 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, MACT, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF 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 31st August 2019, passed by the Principal Senior Civil Judge and II Additional Senior Civil Judge and Member, MACT, Hassan, (for short `Tribunal'), in MVC No.1996/2017, seeking enhancement of compensation.



Though this appeal is listed for admission, with the consent of both the parties 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 28.03.2017, the deceased-Sheshappa @ Sheshanna, along with others, was travelling in the car bearing registration No.KA-13-C-1045. They met with an accident due to rash and negligent driving of a bus belonging to respondent bearing registration No.KA-06-F-926, near Karehalli in NH 206, BH Road, Bhadravathi Town. As a result, inmates of the car sustained simple and grievous injuries and Sheshappa @ Sheshanna, sustained fatal injuries and died at the spot. The claimants being his wife, children and mother of the deceased claiming compensation for his death.

4. The respondent denied the petition averments and denied that the accident occurred due to negligence of the driver of the bus and prayed to dismiss the claim petition.

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



6. The claimants to prove their case examined five witnesses as PW-1 to PW-5 and marked 36 documents, as per Exs.P-1 to P-36. They also examined the doctor as CW-1 and marked Exs.C-1 and C-2. Respondent has examined one witness as RW-1 but not marked any documentary evidence.

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

Particulars	Amount in Rs.
Loss of dependency	7,12,800/-
Loss of estate	15,000/-
Towards transportation of dead body, funeral and obsequies ceremony expenses	15,000/-
Loss of love and affection	40,000/-
<i>Total</i>	<i>07,82,800/-</i>

8. Heard the arguments of both the sides.

9. Learned counsel for the appellants contends that income of the deceased taken is on the lower side and the amount of compensation awarded under the head 'loss of



consortium' is not in accordance with the law. Therefore, prayed to enhance the same.

10. Learned counsel for the respondent supports the impugned judgment and award and prays to dismiss the appeal.

11. The Tribunal has taken notional income as Rs.9,000/- per month. However, compared to the chart prepared by the Karnataka State Legal Services Authority, it is on the lower side. Following the said chart, income of the claimants is taken as Rs.11,000/- per month. 10% has to be added towards future prospects and the remaining factors are not in dispute. On the said factors, the compensation is recalculated under the head 'loss of dependency'.

12. The Tribunal has awarded Rs.40,000/- towards loss of consortium. Following the judgment of the Hon'ble Apex Court in the case of ***Magma General Insurance Co. Ltd. Vs. Nanu Ram Alias Chuhru Ram and Others¹***, the compensation awarded under this head requires modification.

¹ (2018) 18 SCC 130



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

Particulars	Amount in Rs.
Loss of dependency (11,000+10%x12x9x2/3)	8,71,200/-
Loss of consortium (40,000x4)	1,60,000/-
Loss of estate	15,000/-
Funeral expenses	15,000/-
Total	10,61,200/-
<i>Amount awarded by the Tribunal</i>	7,82,800/-
<i>Enhancement/-</i>	2,78,400/-

13. 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, respondent is liable to pay the same.

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

ORDER

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



ii) The judgment and award dated 31st August 2019, passed in MVC.No.1996/2017, by the Principal Senior Civil Judge and II Additional Senior Civil Judge and Member, MACT, Hassan, stands modified;

iii) The claimants are entitled to enhanced compensation of Rs.2,78,400/-, with interest at the rate of 6% p.a. from the date of petition till its realization. The respondent is liable to pay the same.

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

v) Draw award accordingly.

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

Sd/-
(UMESH M ADIGA)
JUDGE

AMA
List No.: 1 Sl No.: 14