HC-KAR

NC: 2026:KHC-D:2597-DB
MFA No. 102513 of 2023
C/W MFA No. 103305 of 2022

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 19TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR JUSTICE M.I.ARUN

AND

THE HON'BLE MR JUSTICE B. MURALIDHARA PAI

MISCELLANEOUS FIRST APPEAL NO. 102513 OF 2023 (MV-D)
C/W
MISCELLANEOUS FIRST APPEAL NO. 103305 OF 2022 (MV-D)

IN MFA NO.102513 OF 2023:

BETWEEN:

1. SMT. RUKMINI W/O. CHANDRASHEKAR NAIK,
AGE: 47 YEARS, OCC. HOUSEHOLD,
R/O. SHIVALLI, PANCHALINGA,
TQ. SIRSI-581 355,
DIST. UTTARA-KANNADA.

2. GEETA D/O. CHANDRASHEKAR NAIK,
AGE: 27 YEARS, OCC. HOUSEHOLD,
R/O. SHIVALLI, PANCHALINGA,
TQ. SIRSI-581 355,
DIST. UTTARA-KANNADA.

3. KUMAR. RAMACHANDRA
S/O. CHANDRASHEKAR NAIK,
AGE: 24 YEARS, OCC. STUDENT,
R/O. SHIVALLI, PANCHALINGA,
TQ. SIRSI-581 355,
DIST. UTTARA-KANNADA.

- APPELLANTS

(BY SRI GIRISH S. HIREMATH, ADVOCATE)

Digitally signed by V N BADIGER
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH

AND:

1. THE MANAGING DIRECTOR,
NWKRTC, GOKUL ROAD, NWKRTC,
HUBBALLI-580 020,
REPRESENTED BY ITS CHIEF LAW OFFICER,
CENTRAL OFFICE, HUBBALLI.

2. DIVISIONAL CONTROLLER, N.W.K.R.T.C.,
SIRSI, PIN-581 401.

- RESPONDENTS

(BY SRI M.C. HUKKERI, ADVOCATE FOR R1 AND R2)

THIS M.F.A. IS FILED UNDER SECTION 173(1) OF M.V. ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 16.10.2021 PASSED IN M.V.C. NO.114/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, SIRSI, AND ETC.

IN MFA NO.103305 OF 2022:

BETWEEN:

1. THE MANAGING DIRECTOR,
N.W.K.R.T.C., GOKUL ROAD, HUBBALLI,
REPRESENTED BY IT'S CHIEF LAW OFFICER,
NWKRTC, CENTRAL OFFICE, HUBBALLI,
[OWNER OF NWKRTC BUS NO.K-25/F-3388].

2. DIVISIONAL CONTROLLER, N.W.K.R.T.C.,
SIRASI.

- APPELLANTS

(BY SRI M.C. HUKKERI, ADVOCATE)

AND:

1. SMT. RUKMINI W/O. CHANDRASHEKAR NAIK,
AGE: 46 YEARS, OCC. HOUSEHOLD WORK,
R/O. SHIVALLI PANCHALINGA, SIRSI.

2. KUMARI. GEETA D/O. CHANDRASHEKAR NAIK,
AGE: 26 YEARS, R/O. SHIVALLI PANCHALINGA, SIRSI.

3. KUMAR. RAMACHENDRA CHANDRASHEKAR NAIK,
AGE: 23 YEARS, R/O. SHIVALLI PANCHALINGA,
SIRSI, AGE. 21 YEARS, OCC. STUDENT.

- RESPONDENTS

(BY SRI GIRISH S. HIREMATH, ADVOCATE FOR R1 TO R3)

THIS M.F.A. IS FILED UNDER SECTION 173(1) OF M.V ACT, PRAYING TO SET ASIDE THE AWARD DATED 16.10.2021 PASSED IN M.V.C. NO.114/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, AT: SIRSI, AND ETC.

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 03.02.2026 COMING ON FOR 'PRONOUNCEMENT' THIS DAY, **B. MURALIDHARA PAI J.,** DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI)

1. The wife and children of Sri Chandrashekar Timma Naik filed MVC No.114/2020 before the learned Senior Civil Judge and Additional MACT, Sirsi (hereinafter referred to as 'the Tribunal'), under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.35,00,000/- from the respondents. This was on the ground that Sri Chandrashekar Timma Naik died due to injuries sustained in a road traffic accident on 28.09.2019, caused by the driver of bus No.KA-25-F-3388.

2. After contest, the Tribunal partly allowed the claim. It found actionable negligence on the part of the bus driver and awarded compensation of Rs.14,06,800/- to the claimants along with interest at 6% per annum from the date of the petition until realization.

3. Dissatisfied with the quantum of compensation awarded by the Tribunal, the claimants have preferred the appeal in MFA No.102513/2023, seeking enhancement on the ground that the compensation is inadequate and on the lower side.

4. Similarly, the respondents have challenged the impugned judgment and award in MFA No.103305/2022, contending that the Tribunal awarded excessive compensation under all heads, without considering relevant aspects, and erroneously fastened entire liability on them.

5. Parties to these proceedings are referred to by their rankings before the Tribunal.

6. Sri Girish S. Hiremath, learned counsel for the claimants, submitted that the deceased was aged about 54 years

at the time of the accident and was earning more than Rs.25,000/- per month as an agriculturist and coolie. He contended that even so, the Tribunal adopted an income of Rs.12,000/- per month for computing loss of dependency. He further submitted that the compensation awarded under some heads is on the lower side and that the Tribunal failed to award compensation under all relevant heads.

7. *Per contra*, Sri M.C. Hukkeri, learned counsel for the respondents, vehemently submitted that the Tribunal erred in attributing fault solely to the bus driver though the deceased had dashed his motorcycle against the bus and thereby contributed to the accident. He contended that the Tribunal ought to have held the deceased guilty of at least 50% contributory negligence. He also contended that the compensation awarded by the Tribunal is excessive and without basis.

8. Having heard the submissions on both sides and perused the materials on record, the following points arise for determination by this Court:

i) Whether the deceased had contributed for the accident?

ii) Whether the Claimants have made out valid ground to enhance the compensation?

Point Nos. i and ii:

9. It is undisputed that the deceased Chandrashekar Timma Naik, met with a road traffic accident on 28.09.2019 at about 4:50 p.m. on Kumta-Sirsi Road, involving motorcycle No. KA-31-EB-1318 and bus No. KA-25-F-3388. The deceased was riding the motorcycle at the time of the accident. Admittedly, the jurisdictional police investigated the matter and filed a charge sheet against the bus driver under Sections 279 and 304A of the IPC, which carries presumptive value. The respondents examined the bus driver as RW-1 to substantiate their plea of contributory negligence by the deceased. However, apart from RW-1's self-serving testimony, they adduced no corroborative evidence to support their version. In these circumstances, this Court finds no valid ground to interfere with the Tribunal's finding holding the bus driver solely responsible for the accident. Point No. (i) is accordingly answered in the negative.

10. The Tribunal has awarded a total compensation of Rs.14,06,800/- to the claimants under the following heads:

Sl. No.	Heads of compensation	Amount Rs.	Basis
1.	Loss of dependency	13,06,000.00	i) Monthly income Rs.12,000/- plus 10% future prospects as held in Pranay Sethi's case ii) Deduction : 1/3 iii) Multiplier : 11
2.	Loss of consortium	40,000.00	As per Pranay Sethi's case
3.	Loss of estate	45,000.00	As per Pranay Sethi's case
4.	Funeral expenses	15,000.00	As per Pranay Sethi's case
	Total	**14,06,800.00**	Interest at the rate of 6% p.a. from the date of petition till realisation

11. First of all, there is an apparent arithmetical error in the calculation made by the Tribunal, while determining the compensation under the head of loss of dependency. The tribunal has arrived at the quantum of compensation, in the following manner: "Rs.12,000/- X 12 = Rs.1,44,000/- plus 10% = Rs.1,58,400/- minus 1/3rd (Rs.39,600/- to be deducted because of personal expenditure of the deceased) = Rs.1,18,800/- X 11 =

Rs.13,06,800/-". As per this calculation, the Tribunal ordered to deduct 1/3rd portion of total income towards the personal expenses of the deceased. The 1/3rd portion of the total income i.e., Rs.1,58,400/- comes to Rs.52,800/- and not Rs.39,600/- as shown in the judgment. If we recalculate the amount based on above figures, the compensation under the head of loss of dependency works out to Rs.11,16,600/- (i.e., Rs.13,200/- X 12 = Rs.1,58,400/- minus Rs.52,800/- i.e., Rs.1,05,600/- X 11). In that event, total compensation awarded under the impugned judgment comes to Rs.12,61,600/- in place of Rs.14,06,800/- shown therein.

12. It was the case of the claimant that the deceased was earning more than Rs.25,000/- per month as an agriculturist and coolie. However they have not produced any revenue documents or other document before the Tribunal to prove the actual income of the deceased at the relevant point of time. As such the Tribunal considered the income of the deceased at Rs.12,000/- per month based on normal criteria. Admittedly, the High Court Legal Services Committee, Dharwad has prepared a chart specifying notional income to be considered for the purpose

of settlement of the cases before the Lok-Adalath. As per the said chart, notional income of a person for year 2019 is to be taken as Rs.13,250/-. In view of the same, this Court opines that for the purpose of arriving at a just compensation, notional income of the deceased needs to be taken as Rs.13,250/- per month.

13. The Tribunal has opined that the deceased was aged between 54 to 55 years at the time of accident and applied multiplier of '11' in the case. There is no dispute regarding age of the deceased or the multiplier adopted by the tribunal.

14. In ***National Insurance Company Limited Vs Pranay Sethi and Others***[1] Hon'ble Apex Court has held that in case the deceased was self employed or on a fixed salary and aged between 50 to 60 years, an addition of 10% of his proved income should be taken as future prospects, as the necessary method of computation. Even the Tribunal has adopted this method for the purpose of arriving at total income of the deceased. This Court having opined need of taking notional income of the deceased at Rs.13,250/- per month, it requires to

[1] (2017) 16 SCC 680

add a sum of Rs.1,325/- (i.e, 10% of Rs.13,250/-) towards future prospects, so as to arrive at total income of the deceased. Thus, the total income of the deceased would be Rs.14,575/- per month.

15. The deceased has left behind wife and two children. As such the Tribunal has deducted 1/3rd of the income towards personal expenses of the deceased, which is also proper. Thus, net loss of dependency works out to Rs.12,82,600/- [Rs.19,23,900/- (i.e., Rs.14,575/- X 12 X 11) minus Rs.6,41,300/- (i.e., 1/3rd of Rs.19,23,900/-)].

16. The Tribunal has awarded only a sum of Rs.40,000/- towards loss of consortium. In ***Magma General Insurance Company Ltd. Vs Nanu Ram***, reported in ***(2018) 18 SCC 130***, the Hon'ble Apex Court held that "… The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse. .." The Hon'ble Apex Court further held that "… Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the

death of a child and the amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child. …" Thus, it is clear that compensation under the head of consortium includes compensation under the head of love and affection. The Claimants herein are the wife, daughter and the mother of the deceased. As such, this Court holds that the Claimants are entitled for compensation of Rs.40,000/- each under the head of loss of consortium, i.e. spousal, parental and filial, inclusive of the compensation under the head of love and affection.

17. The Tribunal has awarded compensation of Rs.45,000/- under the head of loss of estate and Rs.15,000/- under the head of funeral expenses. In view of decision in ***National Insurance Co. Ltd vs Pranay Sethi*** reported in **AIR 2017 SUPREME COURT 5157**, it is held that the claimants are entitled for compensation of Rs.15,000/- under the head of loss of estate in place of Rs.45,000/- awarded by the Tribunal. The compensation awarded under the head of funeral expenses is not disturbed.

18. The Tribunal, relying on decision in ***Shriram General Insurance Company Vs Smt. Laxmi and others*** (MFA No.103557/2016 DD 20.03.2018), held that the Claimants are entitled for interest on the award amount at the rate of 6% per annum and that they have not made out valid ground to order interest on higher rate. This Court does not find any error committed by the Tribunal in adopting the rate of interest as 6% per annum. Hence, same is retained.

19. For the forgoing reasons, Point No.(ii) is answered partly in the affirmative and held that the Claimants are entitled for total compensation of Rs.14,32,600/- in place of Rs.12,16,600/- awarded by the Tribunal, under the following heads:

Sl. No.	Heads	Amount Rs.	
1.	Loss of dependency	12,82,600.00	i) Monthly income Rs.13,250/- plus Rs.1,325/- i.e., addition of 10% towards future prospects as held in ***Pranay Sethi's*** case ii) Deduction : 1/3rd iii) Multiplier : 11
2.	Loss of Consortium	1,20,000.00	As per ***Magma General Insurance Company*** case

3.	Loss of Estate	15,000.00	As per ***Pranay Sethi's*** case
4.	Funeral expenses	15,000.00	As per ***Pranay Sethi's*** case
	Total	**14,32,600.00**	Interest at the rate of 6% p.a. from the date of petition till realisation

20. In the result, this Court proceeds to pass the following:

ORDER

i. The appeals in MFA No.102513/2023 and MFA No.103305/2022 are ***allowed in part***.

ii. The Claimants are entitled for total compensation of Rs.14,32,600/- in place of Rs.12,61,600/- awarded by the Tribunal.

iii. The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till realization.

iv. The Respondents shall deposit the enhanced compensation amount before the Tribunal within a period of three months from this day.

v. The Claimants are entitled to withdraw the enhanced compensation amount on its deposit in proportion of their share as per the order of the Tribunal.

vi. The amount deposited if any before this Court by the Respondents shall be transferred to concerned Tribunal forthwith.

vii. Draw modified award accordingly.

Sd/-
(M.I.ARUN)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE

SSP, BVV
CT:BCK
LIST NO.: 1 SL NO.: 2