



CNR: KAHC010000202025

NC: 2026:KHC:38049
MFA No. 06 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 06 OF 2025 (MV-D)

BETWEEN:

1. NEELAKANTA MURTHY
S/O BASAVARAJU
NOW AGED ABOUT 46 YEARS.
2. H N PAVAN KUMAR
S/O NEELAKANTA MURTHY
NOW AGED ABOUT 21 YEARS.
3. CHANDANA
D/O NEELAKANTA MURTHY
NOW AGED ABOUT 20 YEARS
ALL ARE R/AT HATNA VILLAGE
KIBBANAHALLI HOBLI
TIPTUR TALUK, TUMKURU DISTRICT
NOW R/AT BHEEMASANDRA
TUMAKURU.

...APPELLANTS

(BY SRI RAGHU R, ADVOCATE)

AND:

1. KSRTC
TUMAKURU DIVISION
TUMAKURU
REP. BY ITS DIVISIONAL CONTROLLER
CHANDRASHEKAR, DIVISIONAL OFFICE
NEAR VEGETABLE MARKET

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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MADHUGIRI ROAD
TUMKURU - 572 101.

...RESPONDENT

(BY SRI ASHOK N NAYAK, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:24.09.2024 PASSED IN MVC No.1607/2023 ON THE FILE OF THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, MACT, TUMAKURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.07.2026, THIS DAY, **SHIVASHANKAR AMARANNAVAR J**, DELIVERED THE FOLLOWING;

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CAV JUDGMENT

This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and awarded dated 24.09.2024 passed in MVC No.1607/2023 by VI Additional District and Sessions Judge and MACT, Tumkur.

2. The appellants/claimants made a claim petition praying to award compensation for the death of Nagarathna, the wife of claimant No.1 and mother of



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claimant Nos. 2 and 3 in a road traffic accident occurred on 03.12.2023 contending that the accident occurred due to the rash and negligent driving of the driver of the KSRTC bus bearing Regn.No.KA-06/F-988. The Tribunal after recording evidence of the parties, appreciating the evidence on record, has assessed the compensation and awarded the compensation under various heads as under:

Sl.No.	Heads	Amount (Rs.)
01.	Towards loss of estate	15,000/-
02.	Towards loss of consortium	40,000/-
03.	Towards love and affection	30,000/-
04.	Towards transportation of dead body and funeral expenses	15,000/-
05.	Towards medical expenses	10,000/-
	Total	1,10,000/-

3. The Tribunal has also awarded interest @ 6% per annum from the date of petition till realisation. The



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claimant seeking enhancement of the compensation have filed the present appeal.

4. Heard the learned counsel for appellants and learned counsel for respondent/Corporation.

5. Learned counsel for appellants would contend that the deceased was a housewife. Apart from that she is doing coolie work and the claimants are husband, son and daughter of the deceased. The deceased was also a housewife, aged 37 years. He further contended that due to the death of the deceased, the claimants have lost domestic care and therefore, monthly income of the deceased is to be taken at Rs.30,000/-. On that point he placed reliance on the decision of the Hon'ble Apex Court in the case of **Shishu Pal @ Shish Ram and Ors vs. Surjeet and Ors (2026 INSC 634)**. He further contented that as the accident occurred in the year 2023, after 6 years of the decision in the case of **National Insurance Co.Ltd. vs. Pranay Sethi and others (2017) 16 SCC**



680, the claimants are entitled to escalation at 20% on the compensation awarded under conventional heads, namely loss of estate, loss of consortium and funeral expenses. With this, he prayed to allow the appeal.

6. Per contra, learned counsel for respondent/Corporation would contend that the Hon'ble Apex Court in **Shishu Pal(supra)**, even though has referred to the decision of **Lata Wadhwa vs. State of Bihar and Ors [(2001)8 SCC 197]** have not followed the law laid down in the said Lata Wadhwa. The said decision in the case of Lata Wadhwa is a three Judge Bench decision and the decision in Shishu Pal is by two Judges. The said decision in Lata Wadhwa is binding on the two Judges' Bench. In Lata Wadhwa, the Apex Court has considered income of a housewife at Rs.3,000/- per month. In view of Pranay Sethi, the said income has to be given escalation at 10% every 3 years. With this, he prayed to dismiss the appeal.



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7. Having heard the learned counsels, the Court has perused the judgment, award and the trial Court records.

8. The accident occurred on 03.12.2023 and at the time of death the deceased was aged 37 years. Claimant No.1 is the husband and claimant Nos.2 and 3 are son and daughter of the deceased and they are aged about 19 years and 18 years respectively as on the date of accident. The Tribunal has not awarded compensation under the loss of dependency on the ground that the claimants are husband and major children of the deceased and they are not dependent of the deceased. The deceased was a housewife and she is the wife of claimant No.1 and mother of claimant Nos.2 and 3. The Hon'ble Apex Court in the case of Shishu Pal, considering all the previous decisions rendered by the Hon'ble Apex Court has held that the loss of domestic care/monthly income of the housewife is to be taken at Rs.30,000/- per month. In the case of Lata Wadhwa, the Hon'ble Apex Court in the year 2001 has only considered what is the income of a housewife and no



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criteria has been laid down in the said decision to assess the income of a housewife. In Shishu Pal's case, the Hon'ble Apex Court has considered in detail and held that the homemakers are national builders and they ought to be recognized as such. The Hon'ble Apex Court considering the previous cases wherein house wife has been considered, has held that the income of the homemaker has to be taken at Rs.30,000/- if she is having husband and children and if she is making contribution towards the smooth functioning of the household and taking care of the child and loss of spousal support. Considering the said aspect, the income of the deceased who was a home maker is to be taken at Rs.30,000/- per month.

9. The claimant No.1 is husband and claimant Nos.2 and 3 are major children of the deceased. The Tribunal held that the claimants are not dependents of the deceased. The Hon'ble Apex Court in the case of **National Insurance Company Co.Ltd. vs Birender and others (AIR 2020 SC 434)** has considered that in case where the



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claimants are not dependents and they are husband and major children, in the income of the deceased, 50% has to be directed towards personal expenses of the deceased. In view of the above, the loss of care and dependency is calculated as under:

$$\begin{aligned} & \text{Rs.30,000} + 40\% \text{ future prospects (12,000)} = \\ & \text{Rs.42,000/-} \quad \text{Rs.42,000} \times 50\% = 21,000 \times 12 \times 15 \\ & = 37,80,000/- \end{aligned}$$

10. The Tribunal has awarded consortium, loss of estate and funeral expenses but has not considered the escalation at 10% every 3 years. As the accident has taken place after 6 years of Pranay Sethi, 20% escalation is to be added to loss of consortium loss of estate and funeral expenses. The claimants are entitled to loss of consortium in a sum of Rs.1,44,000/-(48,000x3), funeral expenses of Rs.18,000/- (Rs.15,000 + 20%) and loss of estate of Rs.18,000/-(Rs.15,000 + 20%). In view of above



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claimants are entitled to total compensation under various heads as under:

Sl.No.	Heads	Amount (Rs.)
01.	Loss of care/dependency	37,80,000/-
02.	Loss of consortium	1,44,000/-
03.	Funeral expenses	18,000/-
04.	Loss of estate	18,000/-
05.	Medical expenses	10,000/-
	Total	39,70,000/-

11. The claimants are entitled to total compensation of Rs.39,70,000/- as against Rs.1,10,000/- awarded by the Tribunal with interest @ 6% per annum from the date of petition till realisation. The respondent/Corporation is liable to pay the said compensation with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.38,60,000/- with interest @ 6% per annum from the date of petition till realisation. In view of the above, the following:



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ORDER

- (i) The appeal is allowed in part.
- (ii) The claimants are entitled to enhanced compensation of Rs.38,60,000/- with interest @ 6% per annum, from the date of petition till realisation.
- (iii) The respondent/Corporation shall deposit the enhanced compensation with interest before the Tribunal, within a period of 8 weeks from this day, failing which, it is liable to pay interest @ 9% per annum, from this day till payment.
- (iv) The claimants are entitled to release of entire enhanced compensation in equal share.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 68
Ct.sm