



CNR: KAHC010001052025

NC: 2026:KHC:37835
MFA No. 17 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL No. 17 OF 2025 (MV-D)

BETWEEN:

RELIANCE GENERAL INSURANCE CO.LTD.,
No.3, 1ST FLOOR, NORTH WING
MANANDI PLAZA, ST. MARKS ROAD
BANGALORE - 560 001.
REP. BY ITS MANAGER LEGAL
No.28, 5TH FLOOR, EAST WING
CENTENARY BUILDING, M.G. ROAD
BANGALORE - 560 001.

...APPELLANT

(BY SRI D VIJAYAKUMAR, ADVOCATE)

AND:

1. SMT. LAKSHMI
W/O. LATE KUMARA @ KUMAR
AGED ABOUT 37 YEARS.
2. KUMARI. KEERTHANA H K
D/O. LATE KUMARA @ KUMAR
AGED ABOUT 17 YEARS.

SINCE THE RESPONDENT No.2 IS MINOR
REP. BY HER MOTHER AND NATURAL GUARDIAN
RESPONDENT No. 1.
SMT. LAKSHMI, W/O. LATE KUMAR
AGED ABOUT 37 YEARS.



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3. SMT. GANGAMMA
W/O. LATE KRISHNAPPA
AGED ABOUT 76 YEARS.

ALL ARE R/AT.
HALALU, NELIGERE
NAGAMANGALA
MANDYA
KARNATAKA-571 418.

4. SRI. LOHITH GOWDA K P
S/O. PUTTE GOWDA
MAJOR
R/AT. MUNIYAMMA
No.209/1, BASAVESHWARA NILAYA
5TH CROSS, VENKATAPURA NEW
BENGALURU-560 034.

...RESPONDENTS

(BY SRI NAIK KRISHNA VENKATARAMAN, ADVOCATE FOR
R1-R3 (R2 MINOR REP. BY R1))

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:12.11.2024
PASSED IN MVC No.4829/2023 ON THE FILE OF THE VII
ADDITIONAL SMALL CAUSE JUDGE AND ACJM, MEMBER, MACT-
3, BENGALURU, AWARDING COMPENSATION OF
Rs.28,84,399/- WITH INTEREST AT 6 PERCENT P.A. FROM THE
DATE OF PETITION TILL REALIZATION.

THIS APPEAL, COMING ON FOR ORDERS THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

1. This appeal is filed by the Insurer challenging the liability and quantum of compensation awarded in the judgment and award dated 12.11.2024 passed in MVC No. 4829/2023 by the VII Small Causes Judge and Member MACT-3, Bengaluru.

2. Even though the matter is listed for 'Admission' today, it is taken up for hearing with the consent of the learned counsel appearing for appellant and learned counsel appearing for respondent Nos. 1 to 3.

3. Respondent Nos. 1 to 3 made a claim petition before the Tribunal praying to award compensation for the death of Kumara @ Kumar (husband of claimant No. 1, father of claimant No. 2 and son of claimant No. 3) in a road traffic accident that occurred on 02.06.2023 contending that the accident occurred due to the rash and negligent driving by the driver of car bearing registration No. KA-01-MH-6979. The Tribunal after recording evidence, appreciating the evidence on record, assessed



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the compensation and awarded compensation under different heads as under:

SL No.	Head of Compensation	Amount in Rs.
1	Loss of Dependency (After deducting 1/3 rd of the income towards personal and living expenses)	26,87,940-00
2	Medical expenses	16,459-00
3	Loss of spousal consortium (for petitioner No.1)	48,000-00
4	Loss of parental consortium (for petitioner No.2)	48,000-00
5	Loss of filial consortium (for petitioner No.3)	48,000-00
6	Loss of estate	18,000-00
7	Funeral expenses and transportation of dead body	18,000-00
	Total	28,84,399-00

4. The Tribunal has awarded interest at the rate of 6% p.a. from date of petition till the date of realization. The Tribunal has held that the accident occurred due to the negligence on the part of driver of the insured car and directed the insurer to deposit the award amount. Insurer has challenged the said finding of the Tribunal with regard to liability and quantum of compensation awarded in the present appeal.



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5. Heard learned counsel for appellant Insurer and learned counsel for respondent Nos. 1 to 3.

6. Learned counsel for Insurer would contend that date of birth of the deceased as per Ex.P.8 Aadhar Card is 01.01.1983. Accident occurred on 02.06.2023 and as on that date, age of the deceased was 40 years 5 months. Therefore, multiplier applicable is 14, but, the Tribunal has applied multiplier of 15. Since the deceased was aged more than 40 years, future prospects to be taken into consideration is 25% as against 40% taken by the Tribunal. He further submits that the accident took place on a national Highway, deceased was a pedestrian crossing the road and there was no zebra crossing. Therefore, there is negligence on the part of the deceased also. With this, he prayed to allow the appeal.

7. Learned counsel appearing for respondent Nos. 1 to 3 would contend that charge sheet is filed against the driver of the car. The Tribunal has rightly held that the



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accident occurred due to the sole negligence of the driver of the insured car. Sketch of the spot Ex.P.3 and mahazar of the spot indicate that the accident occurred in the mud footpath and that clearly indicate the there was rash and negligent driving by the driver of the insured car. He further submits that the Tribunal has taken the notional income at Rs.16,000/- but, as per the chart prepared by the Karnataka State Legal Services Authority notional income is to be taken as Rs.16,250/-. The deceased was aged 40 years 5 months as on the date of accident as per the date of birth mentioned in Ex.P.8 Aadhar card. Considering the said aspect the Tribunal has rightly applied the multiplier of 15 and taken future prospects at 40%. With this he prayed to dismiss the appeal.

8. Having heard learned counsel for the parties, this Court has perused the judgment, award and copy of Ex.P.3 mahazar and sketch furnished by the learned counsel for appellant.



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9. The accident occurred on 02.06.2023 at 07.50 pm. A perusal of Ex.P.3 mahazar and spot sketch indicate that the Ex.P.7 accident occurred on the mud foot path. Charge sheet has been filed against the driver of the insured car. Neither the insurer nor the owner of the car have placed any material on record to show that even the deceased was negligent and contributed to the accident. Considering the said aspect, the Tribunal has rightly held that the accident occurred due to the sole negligence on the part of the driver of the car.

10. Ex.P.8 is Aadhar card of the deceased and as per it date of birth of the deceased is 01.01.1983. The accident occurred on 02.06.2023 and as on that date the deceased was aged 40 years 5 months. As per the decision of the Hon'ble Apex Court in the case of Samsun Bee & Others vs. United India Insurance Co. Ltd and others reported in 2026 ACJ 532 completed age of the deceased has to be taken into consideration for applying multiplier.



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In the said decision the Apex Court has observed as under:

*"9. On the aspect of multiplier, both the Tribunal and the High Court applied it to be 13. As already observed supra the age was determined as 45 years and 3 months on the basis of marksheet. The question that arises is whether the multiplier to be applied will be 13 or 14, given the categorisation made in **Sarla Verma (Supra)**. The same is reproduced as under for reference, as approved in **Pranay Sethi (Supra)**.*

"42. As far as the multiplier is concerned, the Claims Tribunal and the courts shall be guided by Step 2 that finds place in para 19 of Sarla Verma [Sarla Verma v. DTC, (2009) 6 SCC 121: (2009) 2 SCC (Civ) 770: (2009) 2 SCC (Cri) 1002] read with para 42 of the said judgment. For the sake of completeness, para 42 is extracted below: (Sarla Verma case [Sarla Verma v. DTC, (2009) 6 SCC 121: (2009) 2 SCC (Civ) 770: (2009) 2 SCC (Cri) 1002], SCC p. 140)

"42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the Table above (prepared by applying Susamma Thomas [Kerala SRTC v. Susamma Thomas, (1994) 2 SCC 176: 1994 SCC C.A. @ SLP (C) No. 9776 of 2025 Page 5 of 12 (Cri) 335], Trilok Chandra [UPSRTC v. Trilok Chandra, (1996) 4 SCC 362] and Charlie [New India Assurance Co. Ltd. v. Charlie, (2005) 10 SCC 720: 2005 SCC (Cri) 1657]), which starts with an operative multiplier of 18 (for the age



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groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is, M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."

As can be seen from the above the multiplier of 14 is to be applied when the age of the deceased person is falls within 41 to 45 and multiplier of 13 is to be applied when the age of the deceased person is between 46 and 50. In this case, the age is categorically recorded as been 45 years and 3 months. The question then is whether the higher multiplier would continue to apply till the person has clearly entered into the next age bracket i.e., 46 to 50 or, would the lower multiplier be applied immediately after the day, that the deceased person crosses the threshold of 45 for instance as in the present case. In our considered view, the former Is the correct approach. We say so for the reason that, in general parlance when age is described or discussed, the higher number is addressed only when the person attains that particular age. That apart, legally speaking the age is a crucial aspect that has to be taken into account when the Tribunal or higher appellate authorities are tasked with determining the



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possibilities of future earning of the deceased person. The higher the age the lesser the multiplier. Therefore, keeping in view the overarching principle of just and fair compensation which is to inform each and every computation, application of a lower multiplier right at the higher threshold of the previous one, it has to be held the same would be impermissible. In other words, the high limit of the previous multiplier would be inclusive of the 12 months' time, till the age of the deceased person is squarely within the lower limit of the next bracket. To illustrate, in case where the age of the deceased person or injured person, is 35 years 11 months, then the multiplier of 16 would apply, instead of 15. The later would only apply once the injured/deceased has positively crossed the age of 36 years, for example if he was aged 36 years and 3 days.

11. In view of the said decision age of the deceased is to be taken as 40 years and the Tribunal has rightly taken the age of the deceased as 40 years and applied multiplier of 15. As the deceased was aged 40 years 5 months he was aged between 40 to 45 years and therefore, future prospects is to be taken at 25% as per



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the decision of the Hon'ble Apex Court in the case of **National Insurance Company Vs Pranay Sethi and Others** reported in **AIR 2017 SC 5157**. The Tribunal has erred in taking the future prospects at 40%.

12. The Tribunal has taken the notional income of the deceased at Rs.16,000/-. As per the chart prepared by the Karnataka State Legal Services Authority notional income is to be taken as Rs.16,250/- and the said income is taken as against Rs. 16,000/- taken by the Tribunal. In view of the above, loss of dependency is calculated as under:

$$16250 + 25\% = 20312$$

$$20312 \div 3 = 13542$$

$$13542 \times 12 \times 15 \text{ Rs.} 24,37,380/-$$

13. In view of the above, total compensation payable to be claimant is calculated as under:

1.	Loss of dependency	Rs.24,37,380/-
2.	Medical expenses	Rs.16,459/-
3.	Consortium	Rs.1,44,000/-
4.	Loss of estate	Rs.18,000/-
5.	Funeral expenses and	Rs.18,000/-



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	transportation of dead body	
	TOTAL	Rs.26,33,839/-

14. In view of the above, claimant is entitled compensation of Rs.26,33,839/- as against Rs.28,84,399/- awarded by the Tribunal with interest at the rate of 6% p.a. from date of petition till the date of realization.

15. In the result, the following;

ORDER

i) Appeal is allowed in part.

ii) Compensation awarded by the Tribunal in a sum of Rs.28,84,399/- is reduced to Rs.26,33,839/- with interest at the rate of 6% p.a. from date of petition till the date of realization.

iii) Insurer is directed to deposit the entire compensation with interest within a period of six weeks from this day failing which it is liable to pay interest at the rate of 9% p.a. from this day till the date of payment.



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iv) Ratio of compensation among the claimants determined by the Tribunal remain unaltered.

v) Order of deposit and release as determined by the Tribunal remains unaltered.

vi) Amount in deposit is ordered to be transmitted to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 13
Ct.sm