



CNR: KAHC010003462025

NC: 2026:KHC:44849
MFA No. 28 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 28 OF 2025 (MV-D)

BETWEEN:

1. SMT. H N JAYANTHI,
W/O LATE RAVISHANKAR,
AGED 45 YEARS,
MUGULUVALLI VILALGE AND POST,
CHIKKAMAGALARU -577 101.
2. KUMARI KAVYA M. R.,
D/OLATE RAVISHANKAR,
AGED 24L YEARS,
MUGULUVALLI VILALGE AND POST,
CHIKKAMAGALARU -577 101.

...APPELLANTS

(BY SRI. K R LINGARAJU, ADVOCATE)

AND:

1. SRI. RAMU
VENKATESH RAO,
AGED 34 YEARS,
R/AT NOORANI MASJID ROAD,
GOWRI KALUVE EXTENSION,
CHIKKAMGALURU -577 101.
2. G K SHIVANANDA,
S/O G P KENCHEGOWDA,
AGED 48 YEARS,
R/AT NEAR BSNL OFFICE,
OPP. NAGAR MESS, HOSUING BOARD,
JYOTYHINGAR POST,
CHIKKAMGALURU -577 101.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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3. THE MANAGER,
ORIENTAL INSURANCE CO. LTD.,
NAG NIRMALA COMPLEX, 1ST FLOOR,
OPP., RANGANNA CHOULTRY,
BASAVANAHALLI MAIN ROAD,
CHIKKAMAGALURU 577-101.

...RESPONDENTS

(BY SRI. D.R.P. RAVISHANKAR, ADVOCATE FOR R-3
V/O DATED 05.06.202+6, NOTICE TO R-1 AND R-2
ARE DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 30.06.2023 PASSED IN MVC
NO. 153/2022 ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND MACT, CHIKKAMGALURU,
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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking
enhancement of compensation awarded in judgment and
award dated 30.06.2023 passed in MVC No.153/2022 by I
Additional Senior Civil Judge and MACT, Chikkmagaluru.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of



CNR: KAHC010003462025

learned counsel for appellants and learned counsel for respondent No.3 –insurer.

3. Appellants made a claim petition praying to award compensation for the death of Ravishankar (husband of claimant No.1 and father of claimant No.2) in a road traffic accident occurred on 22.12.2021 contending that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.KA-05/NA-8666. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	14,52,000/-
02.	Loss of consortium and love and affection	80,000/-
03.	Loss of Estate	25,000/-
04.	Funeral Expenses	20,000/-
Total		15,77,000/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization



CNR: KAHC010003462025

and directed the respondent No.3 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel of respondent No.3 -insurer.

6. Learned counsel for the appellant would contend that the Tribunal has taken notional income at Rs.14,000/- and as per chart the notional income for the year 2021 is Rs.15,000/- and that is to be taken. The Tribunal has rightly added 10% towards future prospects, deducted $\frac{1}{3}^{\text{rd}}$ towards personal expenses of the deceased and applied multiplier '11'. The Tribunal has not considered the escalation on conventional heads. With these, he prays allow the appeal.

7. Learned counsel for respondent No.3 -insurer would contend that even though in the judgment it is stated that the income taken is Rs.14,000/- but considering the calculation the yearly income taken is



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MFA No. 28 of 2025**

Rs.1,80,000/-, the monthly income comes to Rs.15,000/-. The compensation awarded on conventional heads is on higher side. There are no grounds for enhancement of compensation. With these, he prays to dismiss the appeal.

8. Having heard learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 22.12.2021 and as on the date of accident the deceased was aged 51 years. Considering the age of the deceased, the multiplier applicable is '11' and considering that claimants are wife and daughter of the deceased, deductions is to be taken at 1/3rd towards personal expenses of the deceased. Even though, the Tribunal at one place has stated that the monthly income taken at Rs.14,000/- but in another place while calculating it has taken yearly income at Rs.1,80,000/-. Considering the yearly income taken, the monthly income comes to Rs.15,000/-. Considering the said aspect, the compensation awarded by the Tribunal for loss of dependency is just and proper. Even if 10%



CNR: KAHC010003462025

NC: 2026:KHC:44849
MFA No. 28 of 2025

escalation is added to conventional heads, it comes to Rs.1,21,000/- (Rs.88,000/- + Rs.16,500/- + Rs.16,500/-). The Tribunal has awarded a sum of Rs.1,25,000/- towards conventional heads. Considering the said aspect, there are no grounds for enhancement of compensation.

10. Hence, the appeal is ***dismissed.***

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 34