



NC: 2026:KHC:37981-DB
MFA No.174 of 2022

CNR: KAHC010005702022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO.174 OF 2022 (MV-D)

BETWEEN:

1. SEETHA SHEDTHI
AGED ABOUT 76 YEARS
W/O LATE NARAYAN SHETTY
R/AT SRI KRISHNA KRUPA
GURGALGUDDE, NALLUR
BAJAGOLI, KARKALA TALUK
2. REVATHI
AGED ABOUT 48 YEARS
W/O LATE SUDHAKAR SHETTY
3. SUCHETH SHETTY
AGED ABOUT 22 YEARS
S/O LATE SUDHAKAR SHETTY

APPELLANT NOS.2 AND 3 ARE
R/AT 3-72, MAIPU JADDU
HERMUNDE CROSS, AJEKAR
MARNE VILLAGE, KARKALA TALUK

...APPELLANTS

(BY SRI PAVANA CHANDRA SHETTY H, ADVOCATE)

AND:

1. PANDIRAJ JAIN
AGED ABOUT 65 YEARS
S/O LATE NAGARAJ JAIN
R/AT SUNIL NIVASA
BELANJA POST AND VILLAGE
BELTHANGADY TALUK
D K DISTRICT.
2. THE BRANCH MANAGER

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA



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UNIVERSAL SAMPO GEN INS CO. LTD.
MANGALORE BRANCH
CITY TRADE CENTRE, 1ST FLOOR
OPP CITY HOSPITAL, KADRI
MANGALORE

...RESPONDENTS

(BY SRI RAVI S.SAMPRATHI, ADVOCATE FOR R2;
NOTICE TO R1 DISPENSED WITH V/C/O DATED 16.08.2022)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S 173(1) OF MV ACT PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 05.08.2021 PASSED IN MVC NO.698/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ACJM, KARKALA, UDUPI PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MISCELLANEOUS FIRST APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal seeks to challenge the judgment and award dated 05.08.2021 in M.V.C.No.698/2020 passed by the Senior Civil Judge & ACJM, and AMACT, Karkala, Udupi (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded compensation to the appellants/claimants in a sum of Rs.13,26,600/- along with interest at the rate of 7% per annum from the date of petition till its realisation.



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2. The Appeal though listed for admission, given the limited issue involved, with the consent of the learned Counsel for the parties, is taken up for final hearing and disposal today itself.

3. Briefly the facts of the case are that on 21.02.2020 at 3.00 p.m. when Sudhakar Shetty was standing near the Karkala-Belthangady Highway near Gurgalgudde of Nallur Village, Karkala Taluk, one Mr.Pandiraj Jain who was the owner and driver of Maruthi Omni Car bearing Registration No.KA-21-P-3715, stated to having driven the car in a rash and negligent manner and at a high speed, hit the said Sudharkar Shetty who sustained grievous injuries. He was immediately taken to Primary Health Centre, Bajagoli and the doctor who examined him declared that he had died at the spot of the accident.

4. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'M.V.Act' for short) was filed by the mother, wife, and the son of the deceased. It was averred that at the time of the accident, the deceased was doing catering job in the name of



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Vishnumoorthi Caterers Ajekar and earning Rs.1,50,000/- per month. They also claimed that they have spent Rs.25,000/- towards conveyance and Rs.75,000/- towards funeral and obsequies ceremonies.

4.1. Respondent No.1 though appeared through his Counsel did not file any written statement. The claim petition was contested by respondent No.2/Insurance Company alone.

5. Based on the pleadings of the parties, the following issues were framed by the learned Tribunal:

"(i) Whether the petitioners prove that Sudhakar Shetty – the son of petitioner No.1, husband of petitioner No.2 and father of petitioner No.3 died in a Motor Vehicle Accident on 21.02.2020 at 3.00 p.m., at Gurgalgudde, Nallur Village, Karkala Taluk, due to rash and negligent driving of Maruthi Omni Car bearing Reg.No.KA-21-P-3715 by its driver as contended?

(ii) Whether the petitioner is entitled for the compensation amount, if so what is the amount and from whom it is recoverable?

(iii) What Order or Award?"

6. The claimant No.2/wife of the deceased was examined as PW.1 and got 17 documents marked as Exhibits P1 to P17 including Ex.P1/FIR, Ex.P3/spot



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mahazar, Ex.P4/sketch, Ex.P5/Accident Motor Vehicles Inspection report, Ex.P7/Inquest Mahazar, Ex.P8/Postmortem Report and Ex.P12/Charge Sheet. In addition, the Identity Cards as well as Registration Certificate, Driving Licence and Insurance Policy were marked as Exs.P9 to 11 and Ex.P17 respectively. The respondents did not produce any documentary or oral evidence.

7. After examining the details and the evidence produced, the learned Tribunal, based on the FIR (Ex.P1), complaint (Ex.P2), spot mahazar (Ex.P3), sketch (Ex.P4), and Inspection report (Ex.P5), found that the deceased had succumbed to injuries caused by the offending vehicle. It was also held that negligence stood proved. In addition, the learned Tribunal considered the notional income at Rs.12,000/- per month, added 10% towards future prospects, deducted 1/3rd towards personal expenses, applied '11' as the multiplier and calculated loss of dependency as:

$$\text{Rs.8,800/-} \times 12 \times '11' = \text{Rs.11,61,600/-}$$



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7.1. The learned Tribunal also awarded amounts for loss of filial consortium, spousal and parental consortium, loss of estate and funeral expenses with 10% escalation for every three years in the following manner:

Sl. No.	Particulars	Amount (Rs.)
1	Loss of Estate	16,500/-
2	Transportation and funeral expenses	16,500/-
3	Loss of filial consortium – spousal consortium – parental consortium	1,32,000/-
4	Loss of Dependency	11,61,600/-
	TOTAL	13,26,600/-

7.2 The learned Tribunal thus awarded a sum of Rs.13,26,600/- along with interest at 7% per annum from the date of the petition till its realization.

8. As stated above, the Appeal has been filed by the appellants/claimants seeking enhancement.

9. Learned Counsel for the appellants has raised only one ground in his challenge in the present appeal. Learned Counsel contends that the notional income in the year 2020 was Rs.14,500/-. Thus, that amount should have been taken by the learned Tribunal.



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10. Learned Counsel for respondent No.2/Insurance Company on the other hand fairly concedes that the loss of dependency would be calculated as per the notional income at the rate of Rs.14,500/- per month as per the chart of Karnataka State Legal Services Authority.

11. The question that arises for consideration before this Court is whether the compensation awarded by the learned Tribunal on the head of loss of dependency is in accordance with law?

12. Since, no other ground of challenge is raised in the present appeal and in view of the consensus between the parties, the compensation is revised in terms of the notional income. Admittedly, the notional income for the year 2020 was Rs.14,500/-. In addition, 10% of the income is to be added as future prospects. In addition, escalation on amounts awarded under non-pecuniary heads is also to be added. Since the deceased is survived by three dependents being his mother, wife and son, the amount to be deducted in the case of three dependents would be $\frac{1}{3}^{\text{rd}}$ towards personal expenses of the



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deceased. The deceased being 51 years, the multiplier to be used would be '11'. Accordingly, the loss of dependency is recalculated as follows:

$$\begin{aligned} &[\text{Rs.14,500} + 10\% \text{ of Rs.14,500} = \mathbf{15,950/-} \text{ (-)} \\ &1/3^{\text{rd}} \text{ of Rs.15,950/-} = \mathbf{Rs.10,633/-} \\ &\text{Rs.10,633/-} \times 12 \times 11 = \mathbf{14,03,556/-}] \end{aligned}$$

13. To this extent, the award of the Tribunal requires to be recalculated in the following terms:

Sl. No.	Particulars	Amount (Rs.)
01.	Loss of Estate	16,500.00
02.	Transportation and funeral expenses	16,500.00
03.	Loss of filial consortium – spousal consortium – parental consortium	1,32,000.00
04.	Loss of Dependency	14,03,556.00
	Total	15,68,556-00
	Less: Awarded by the Tribunal	13,26,600-00
	Enhanced compensation	2,41,956-00

14. Hence, the appellants/claimants are entitled to a total compensation of **Rs.15,68,556/-** along with interest as awarded by the learned Tribunal, from the date of petition till its realisation. Accordingly, this Court proceeds to pass the following:



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ORDER

(i) The appeal is ***allowed in part;***

(ii) The judgment and award dated 05.08.2021 in M.V.C.No.698/2020 passed by the Senior Civil Judge & ACJM, and AMACT, Karkala, Udupi is modified, enhancing the compensation by **Rs.2,41,956-00** in addition to the already awarded amount of **Rs.13,26,600/-** along with interest at the rate of 7% per annum as awarded by the learned Tribunal from the date of petition till realization.

(iii) The remaining portion of the Impugned Award of the Tribunal remains undisturbed.

(iv) The respondents are directed to pay the enhanced compensation with interest as awarded by the Tribunal within eight weeks from today.

(v) On such deposit of compensation, the same shall be released in favour of the appellants/claimants on filing of an appropriate application for withdrawal of the enhanced



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amount in the proportion as was set out in the
Impugned Award.

(vi) The Registry is directed to draw the modified
Award accordingly.

(vii) The Registry is directed transmit a copy of
this judgment to the concerned Tribunal.

(viii) Pending application(s), if any, stand closed.

No order as to costs.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

KSR
List No.: 1 SI No.: 8