



CNR: KAHC010006132022

NC: 2026:KHC:48341
MFA No. 132 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 7TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
MISCELLANEOUS FIRST APPEAL NO. 132 OF 2022 (MV-D)

BETWEEN:

1. MUNIRATHNA,

AGED ABOUT 28 YEARS,

W/O LATE THALAGONDAPPA,

R/OF HINDIGANALLA VILLAGE,

NANDAGUDI HOBLI,

HOSAKOTE TALUK.

NOW R/AT BEMGAL VILLAGE,

KOLAR TALUK AND DISTRICT.
2. BABY CHETHAN T,

AGED ABOUT 4 YEARS,

S/O LATE TALAGONDAPPA.

MINOR REPRESENTED BY HIS

NATURAL GURADIAN AND MOTHER.

Digitally
signed by
SUSHMA
LAKSHMI
B S
Location:
High Court
of
Karnataka



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R/OF HINDIGANALLA VILLAGE,
NANDAGUDI HOBLI,
HOSAKOTE TALUK.

NOW R/AT BEMGAL VILLAGE,
KOLAR TALUK AND DISTRICT.

3. AKKAYAMMA,
AGED ABOUT 59 YEARS,
W/O LATE RAMANNA,
R/OF HINDIGANALLA VILLAGE,
NANDAGUDI HOBLI,
HOSAKOTE TALUK.

NOW R/AT BEMGAL VILLAGE,
KOLAR TALUK AND DISTRICT.

...APPELLANTS

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)



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AND:

1. RAZIYA BEGUM,
W/O SIRAJ PASHA,
AGED MAJOR,
NO.3834/20, HYDER ALI MOHALLA,
SRINIVASAPURA TOWN.

2. UNITED INDIA INSURANCE CO. LTD.
SUGAMA NURSING HOME BUILDING,
ANTHARAGANGE ROAD,
NEAR KSRTC BUS STAND,
KOLAR TOWN, 5TH CROSS,
T. G. EXTENSION, HOSAKOTE,
BANGALORE RURAL,
PIB CODE NO.561 114,
REP. BY ITS BRANCH MANAGER.

3. NAGESH S. N,
S/O NARASIMHAIAH S. P.,
AGED MAJOR,



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KAIWARA VILLAGE AND POST,
CHINTHAMANI TALUK,
CHIKKABALLAPURA DISTRICT.

...RESPONDENTS

(BY SRI. SHIVAKUMAR V., ADVOCATE FOR R1 AND R3;
SRI. B. C. SEETHARAMA RAO., ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED. 07.10.2021, PASSED IN MVC
NO.289/2018, ON THE FILE OF THE II ADDL. SENIOR CIVIL
JUDGE AND MACT AT KOLAR, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. This appeal has been filed by the appellants who
are the claimants in MVC.No.289/2018, dated 07.10.2021, on
the file of II Additional Senior Civil Judge and MACT, Kolar.



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Factual matrix of the case:

2. The case of the claimants are that on 24.08.2018, the deceased – Thalagondappa was proceeding towards Vemgal to Hindiganala village in a heavy duty two wheeler bearing its registration No.KA-07-S-7818. At about 11:15 A.M., when he reached near Malliyappannahalli village gate and he had stopped his vehicle on the footpath, at that time a tempo bearing its registration No.KA-40-A-6801 came from Vemgal side in a rash and negligent manner so as to endanger the human life and dashed against the deceased vehicle. As a result, deceased Thalagondappa sustained multiple grievous injuries on all over the body. Immediately, the deceased was shifted to R.L.Jalappa Hospital, Kolar. However, in the hospital the deceased succumbed to the injuries. The deceased Thalagondappa was husband of petitioner No.1 and father of petitioner No.2 and son of petitioner No.3. According to the claimants he was the only earning member of the family, because of his untimely death, his dependents has to be put up to great hardship. Hence, they have sought compensation before the Tribunal by stating that the deceased was earning



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Rs.20,000/- per month as a notional income which was being attributed towards maintenance of wealth of the petitioners. Further, the Tribunal has allowed the petition and awarded a sum of Rs.18,71,124/- together with interest at 9% per annum from the date of filing the claim petition till date of release of the amount. Being aggrieved by the same the claimants has filed this appeal seeking enhancement of the said compensation.

3. Heard learned counsel for the respective parties.

4. Learned counsel for the appellant submits that the appellants have spent Rs.1,50,000/- towards transportation of dead body, funeral and obsequies expenses of the deceased, but the Tribunal awarded only Rs.15,000/- which is arbitrary, and requires enhancement. Furthermore, the appellants claimed that the deceased was earning Rs.20,000/- per month, whereas, the Tribunal has awarded only Rs.12,500/- per month which is also arbitrary and contrary to natural justice, therefore, the same has to be enhanced. Further, learned counsel for the appellants submits that the Tribunal without



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considering the consortium has passed an order and awarded only Rs.40,000/- which is highly arbitrary and the same has to be enhanced.

5. *Per Contra*, learned counsel for the respondent representing the United India Insurance Co. Ltd., vehemently justified the award passed by the Tribunal and prays to dismiss the appeal.

6. Having heard the learned counsel for the respective parties and on perusal of the table enumerated in the findings of the Tribunal. The loss of dependency appears to be proper and appropriate. The Tribunal considered this head in accordance with the judgment passed by the Hon'ble Supreme Court in ***Smt. Sarla Verma and Ors. Vs. Delhi Transport Corporation and Anr.***¹. The second head towards loss of love and affection is concerned the Tribunal has awarded Rs.40,000/- in the light of the judgment passed by the Hon'ble Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and Ors.***². However, this head must be

¹ (2009) 6 SCC 121)

² (2017) 16 SCC 680)



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modified to "loss of consortium" instead of "loss of love and affection". As per the guidelines issued by the Hon'ble Supreme Court in number of dicta consortium of Rs.40,000/- is to be paid to each dependent. Accordingly, as per the claim petition, there are three claimants and an additional sum of Rs.80,000/- is to be granted for the remaining two dependents. Therefore, the award under the second head is modified to Rs.40,000 x 3 = Rs.1,20,000/-. Out of this amount Rs.40,000/- has already been deposited as per the order of Tribunal, leaving an enhanced compensation of Rs.80,000/-. The other heads such as funeral expenses, loss of estate and medical expenses remain unaltered.

7. Hence, I proceed to pass the following:

ORDER

- i. This appeal is ***allowed in part***.
- ii. The order dated 07.10.2021 passed in MVC.No.289/2018 on the file of II Additional Senior Civil Judge and MACT, Kolar, is modified.



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- iii. The Registry is directed to send these records, along with a copy of this order, to the concerned Tribunal.
- iv. The Tribunal is directed to disburse the enhanced compensation to the claimants on proper identification and in accordance with law.

Sd/-
(S RACHAIAH)
JUDGE

NM/-
List No.: 1 Sl No.: 48