



CNR: KAHC010010022025

NC: 2026:KHC:43827
MFA No. 181 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 181 OF 2025

(MV-D)

BETWEEN:

1. HARSHITH A K
AGED ABOUT 26 YEARS
S/O LATE KANTHU NALKE @
KANTHAPPA NALIKE
AND DECEASED MOHINI A.
2. NIKHIL A K
AGED ABOUT 24 YEAWRS
S/O LATE KANTHU NALKE @
KANTHAPPA NALIKE
AND DECEASED MOHINI A.

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

BOTH THE APPELLANTS ARE
R/AT AKIRE HOUSE
HIREBANDADY VILLAGE
PUTTUR TALUK
D K DISTRICT - 574241.

...APPELLANTS

(BY SRI. RAJARAMA S.,ADVOCATE)

AND:



NC: 2026:KHC:43827
MFA No. 181 of 2025

CNR: KAHC010010022025

1. HARISH N
AGED ABOUT 29 YEARS
S/O PADMANABHA
R/AT NEHARU THOTA HOUSE
HIREBANDADY POST
AND VILALGE
PUTUR TALUK
D K DISTRICT - 574241.
2. THE MANAGER
THE UNITED INDIA INSURANCE CO LTD.,
BRANCH OFFICE : BRIDGE ROAD
BALMATTA, MANGALORE
D K DISTRICT - 575002

...RESPONDENTS

(BY SRI. RAVISH BENNI., ADVOCATE FOR R2,
V/O DTD:18.7.2025, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DT.23.03.2022 PASSED
IN MVC NO.1011/2018 ON THE FILE OF THE V ADDITIONAL
DISTRICT AND SESSIONS JUDGE AND MEMBER, ADDITIONAL
MACT-XI, D.K.MANGALURU, SITTING AT PUTTUR, D.K, 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 the claimants seeking
enhancement of compensation awarded in judgment and
award dated 23.03.2022 passed in MVC No.1011/2018 by



CNR: KAHC010010022025

learned V Additional District and Sessions Judge and Member, Additional MACT, XI DK. Mangaluru sitting at Putturu, D.K.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellants and learned counsel for respondent No.2/Insurer.

3. The appellants made a claim petition praying to award compensation for the death of their mother, Mohini A, in a road traffic accident occurred on 23.11.2017 contending that the accident occurred due to the rash and negligent driving of the rider of motorcycle bearing Regn.No.KA-21-X-3214.

4. The Tribunal, after recording the evidence and appreciating the evidence on record, has assessed the compensation and awarded compensation under various heads as under:



CNR: KAHC010010022025

NC: 2026:KHC:43827
MFA No. 181 of 2025

Sl. No.	Heads	Amount
1	Loss of dependency	Rs.14,00,112.00
2	Loss of consortium	Rs. 80,000.00
3	Transportation and Traveling expenses	Rs. 20,000.00
4	Funeral/obsequies expenses	Rs. 15,000.00
5	Loss of estate/expectancy	Rs. 15,000.00
6	Medical expenses	Rs. 45,436.00
	Total	Rs.15,75,548.00

5. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till date of realization and directed respondent No.2/Insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

6. Heard the arguments of the learned counsel for appellants and learned counsel for respondent No.2/Insurer.



7. The learned counsel for appellants would contend that the Tribunal has taken the income of the deceased at Rs.10,000/- p.m. But as per charge prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2017 is Rs.11,000/- p.m. The Tribunal has rightly added 25% towards future prospects, deducted one third towards personal expenses of the deceased and applied multiplier 14. The compensation awarded by the Tribunal and other heads is just and proper. With this, he prayed to allow the appeal.

8. Learned counsel respond No.2/Insurer would contend that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.

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

10. The date of accident is 23.11.2017 and as on the date of accident, the age of the deceased was 45



CNR: KAHC010010022025

NC: 2026:KHC:43827
MFA No. 181 of 2025

years. The claimants are the two sons of the deceased. Even though it is contended that the deceased was working as a cook, no evidence is placed on record and the Tribunal has rightly taken the notional income. The Tribunal has taken the notional income at Rs.10,000/- per month. But as per the chart prepared by the Karnataka State Legal Services Authority, the notional income for the year 2017 is Rs.11,000/- p.m. and the same is to be taken as against Rs.10,000/- p.m. taken by the Tribunal. The age of the deceased was 45 years and considering the same, the Tribunal has rightly applied multiplier 14. The Tribunal has rightly deducted one third towards personal expenses of the deceased and added 25% towards future prospects.

11. In view of the above, the loss of dependency is calculated as under:

$$\begin{aligned} & \text{Rs.11,000/-} + 2,750/- (25\%) = \text{Rs.13,750/-} - 1/3^{\text{rd}} \\ & = \text{Rs.9,167} \times 12 \times 14 = \text{Rs.15,40,056/-} \end{aligned}$$



CNR: KAHC010010022025

NC: 2026:KHC:43827
MFA No. 181 of 2025

12. Considering the accident in the year 2017, the Tribunal has rightly awarded consortium to each of the claimants at Rs.40,000/-, funeral expenses in a sum of Rs.15,000/- and loss of estate in a sum of Rs.15,000/-. The Tribunal has also rightly awarded medical expenses.

13. In view of the above, the claimants are entitled to total compensation under various heads as under:

Sl. No.	Heads	Amount
1	Loss of dependency	Rs.15,40,056.00
2	Loss of consortium	Rs. 80,000.00
3	Funeral expenses and transportation of dead body	Rs. 15,000.00
4	Loss of estate	Rs. 15,000.00
5	Medical expenses	Rs. 45,436.00
6	Transportation and traveling expenses	Rs. 20,000.00
	Total	Rs.17,15,492.00

14. The claimants are entitled to total compensation of Rs.17,15,492/- as against Rs.15,75,548/- as awarded



CNR: KAHC010010022025

by the Tribunal with interest. Consequently, the claimants are entitled to enhanced the compensation of Rs.1,39,944/- with interest at the rate of 6% p.a. from the rate of petition till realization.

15. The respondent No.2/Insurer is liable to pay the said enhanced compensation with interest.

16. The claimants are not entitled to interest for the delay period of 911 days in filing the appeal as per order dated 28.07.2026 passed on IA No.1/2025.

17. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellants are entitled to enhanced compensation of Rs.1,39,944/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) The appellants are not entitled to interest for the delay period of 911 days in filing the appeal.



CNR: KAHC010010022025

NC: 2026:KHC:43827
MFA No. 181 of 2025

iv) The respondent No.2/Insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

v) The claimants are entitled to release of the entire enhanced compensation amount in equal shares.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

BKM
List No.: 1 Sl No.: 28