



CNR: KAHC010010612025

NC: 2026:KHC:41630
MFA No. 245 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 245 OF 2025 (MV-D)

BETWEEN:

1. SMT. SHYAMALA
AGED 58 YEARS
W/O LATE PRAKASH
2. KISHAN
AGED 37 YEARS
S/O LATE PRAKASH
3. KIRAN KUMAR P
AGED 34 YEARS
S/O LATE PRAKASH

ALL ARE RESIDING AT
R/O H No.7-1A-84
MAHAMAYA KRIPA
NEW COLONY
KODANKOOR, NITTURU POST
PUTHUR VILLAGE
UDUPI TALUK AND DISTRICT – 572 101.

...APPELLANTS

(BY SRI K PRASANNA SHETTY, ADVOCATE)

AND:

1. NASEEF P K
AGED ABOUT 47 YEARS
S/O ABDUSSAMED P K

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



**NC: 2026:KHC:41630
MFA No. 245 of 2025**

CNR: KAHC010010612025

R/O KARATIL HOUSE
ALUNGAL PULIKKAL MALAPPURAM
KERALA - 673 637.

2. UNITED INDIA INSURANCE CO. LTD.,
REP. BY ITS DIVISIONAL MANAGER
DIVISIONAL OFFICE, UDUPI.

...RESPONDENTS

(BY SRI A N KRISHNA SWAMY, ADVOCATE FOR R2
V/O DTD. 31.07.2025 NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:16.10.2023
PASSED IN MVC No.597/2020 ON THE FILE OF THE
ADDITIONAL MACT, PRINCIPAL SENIOR CIVIL JUDGE, UDUPI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING 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 16.10.2023 passed in MVC No.597/2020 by
the Principal Senior Civil Judge and Additional MACT,
Udupi.



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2. Appellants made a claim petition praying to award compensation for the death of Sri Prakash (husband of claimant No.1 and father of claimant Nos.2 and 3) in a road traffic accident occurred on 22.02.2020 contending that the accident occurred due to rash and negligent driving of the driver of lorry bearing Regn.No.KL-10/BD-4897. 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 of compensation	Compensation amount
1.	Medical expenses	Rs.1,08,970/-
2.	Loss of earning (laid off period)	Rs.36,000/-
3.	Future loss of earning	Rs.1.90.000/-
4.	Pain and sufferings	Rs.75,000/-
5.	Loss of amenities	Rs.20,000/-
6.	Attendant charges and transportation	Rs.20,000/-
	Total	Rs.4,50,050/-

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



CNR: KAHC010010612025

and directed the respondent No.2 -insurer to deposit the award amount with interest. Claimants seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for appellants and learned counsel for respondent No.2 -insurer.

6. Learned counsel for appellants would contend that the accident occurred on 22.02.2020. As on the date of accident, the deceased was aged 57 years. As per Ex.P8 –Adhar card, the date of birth of the deceased is 05.02.1962. The Tribunal has erred in taking the age of the deceased as 60 years based on post mortem report – Ex.P29. Since the deceased is aged 57 years, future prospects are at 10% is to be taken as per decision of the Hon'ble Apex Court in the case of ***National Insurance Company Ltd., Vs Pranay Sethi and Others***¹.

¹ In AIR 2017 SC 5157



The Tribunal has rightly taken multiplier '9' and deducted 1/3rd towards personal expenses of the deceased. The Tribunal has rightly awarded compensation under conventional heads. With these, he prays to allow the appeal and enhancement of compensation.

7. Learned counsel for respondent No.2 –insurer would contend that the Tribunal based on Ex.P29 Post Mortem report, has rightly taken the age of the deceased as 60 years. The accident occurred on 22.02.2020 and deceased died on 06.08.2022 i.e., after two and half years of the accident. As the deceased was aged 60 years, claimants are not entitled to future prospectus. With these, he prays to dismiss the appeal.

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

9. The date of accident is 22.02.2020. The injured made a claim petition praying to award compensation for



CNR: KAHC010010612025

the injury sustained by him. Subsequently, he died on 06.08.2022 due to the accidental injuries. Post Mortem has been conducted and copy of which is at Ex.P29. The age of the deceased is mentioned in post mortem report as on the date of his death. The age of the deceased as on the date of accident is to be taken into consideration. The age of the deceased as on the date of accident is 57 years. As per Ex.P8 –Adhar card wherein the date of birth of the deceased is mentioned as 05.12.1962. Therefore, the age of the deceased is taken as 57 years. As the age of the deceased was 57 years as on the date of accident, future prospectus at 10% have to be taken as per decision of Hon'ble Apex Court in the case of Pranay Sethi (supra). The Tribunal has rightly taken the notional income at Rs.14,500/-, deducted 1/3rd towards personal expenses and applied multiplier 9. In view of the above, the loss of dependency is calculated as under:

$$\begin{aligned} &\text{Rs.14,500/-} + \text{Rs.1,450/- (10\%)} = \text{Rs.15,950/-} \\ &\text{minus } 1/3^{\text{rd}} = \text{Rs.10,633/-} \times 12 \times 9 = \text{Rs.11,48,364/-} \end{aligned}$$



CNR: KAHC010010612025

10. Claimants are entitled to loss of dependency in a sum of Rs.11,48,364/- as against Rs.10,43,999/- as awarded by the Tribunal. Consequently, claimants are entitled to enhanced compensation of Rs.1,04,365/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2 - insurer is liable to pay enhanced compensation with interest. Appellants -claimants are not entitled to interest for the delay period of 345 days in filing the appeal as per order dated 06.11.2020 passed on IA No.1/2025.

11. In view of the above, the following

ORDER

- i) The appeal is ***allowed in part.***
- ii) Appellants -claimants are entitled to enhanced compensation of Rs.1,04,365/- with interest at the rate of 6% per annum from the date of petition till realization.



**NC: 2026:KHC:41630
MFA No. 245 of 2025**

CNR: KAHC010010612025

- iii) Appellants are not entitled to interest for the delay period of 345 days in filing the appeal,.
- iv) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- v) Appellant No.1 -claimant No.1(a) is entitled to release of entire enhanced compensation amount.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DSP
List No.: 1 SI No.: 64
Ct.sm