



CNR: KAHC010012422023

NC: 2026:KHC:45122
MFA No. 228 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 228 OF 2023 (MV-D)

BETWEEN:

1. SMT. VENKATALAKSHMAMA,
W/O LATE KRISHNAMURTHY,
AGED ABOUT 44 YEARS,
2. KUMARI. SWAPNA,
D/O LATE KRISHNAMURTHY,
AGED ABOUT 23 YEARS,
R/AT HOSAKURUBARAKUNTE VILLAGE,
YALIYUR POST,
DEVANAHALLI TALUK,
BENGLAURU RURAL DISTRICT.

...APPELLANTS

(BY SRI. GOPALAKRISHNA N., ADVOCATE FOR
SMT. SUSHMITHA G., ADVOCATE)

AND:

1. SRI. C. MARKONDAPPA,
S/O CHINNAPPA,
MAJOR,
R/O CHAMBE VILLAGE,
NIDARAMANGALA POST,
TEKAL HOBLI, MALUR TALUK,
KOLAR DISTRICT - 563 137.
2. THE ORIENTAL INSURANCE COMPANY LTD.,
REGIONAL OFFICE, NO.44/45,
4TH FLOOR, LEO SHOPPING COMPLEX,

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



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RESIDENCY ROAD CROSS,
BENGALURU - 560 025.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI.S.V. HEGDE MULKHAND, ADVOCATE FOR R2,
VIDE ORDER DATED 08.07.2024 NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:03.08.2022
PASSED IN MVC NO.6408/2019 ON THE FILE OF THE I
ADDITIONAL SMALL CAUSES JUDGE AND MACT, BENGALURU,
(SCCH-11), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking for enhancement
of compensation arising out of judgment and award dated
03.08.2022 passed in MVC No.6408/2019 by the Motor
Accident Claims Tribunal, Bengaluru (SCCH-11)¹.

¹ Hereinafter referred to as 'Tribunal' for short



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2. The parties are referred to as per their ranking before the Tribunal.

3. Facts in brief leading to file this appeal are as under:

In an accident occurred on 19.08.2019, the deceased aged 22 years met with an accident due to the rash and negligent driving of the Tipper Lorry bearing No.KA-08-A-0437, succumbed to the injuries survived by his widowed mother and dependent sister. The widowed mother and sister both are dependants on the earning of the deceased. A claim petition was filed seeking compensation, which is after contest allowed in part granting total compensation of Rs.21,86,800/- along with interest at 6% p.a. deducting 50% towards personal expenses of the deceased and awarding only Rs.40,000/- towards filial consortium. It is this judgment and award passed by the Tribunal, is called in question in this appeal.



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4. Heard Sri.Gopalkrishna N., learned counsel appearing for Smt. Sushmitha G, learned counsel for the appellant and Sri.S.V.Hegde Mulkhand, learned counsel appearing for the respondent No.2. Vide order dated 08.07.2024, notice to respondent No.1 is dispensed with.

5. Sri.Gopal Krishna, argued on very short point stating that the deceased is survived by widowed mother and sister, both are dependents on the earnings of the deceased, since father predeceased him. In view of law laid down by the Hon'ble Supreme Court in the case of **SARLA VERMA & ORS vs DELHI TRANSPORT CORP. & ANOTHER²**, the Tribunal ought to have considered 1/3rd instead of mechanically considering 50% towards personal expenses. It is further contended that the Tribunal has though awarded Rs.40,000/- towards filial consortium, but failed to award another sum of Rs.40,000/- towards Claimant No.2. He further submits that the claimants are also entitled for 10% escalation on the compensation

² AIR 2009 SC 3104



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awarded under the conventional heads for each completed 3 years in terms of the law laid down in ***NATIONAL INSURANCE CO. LTD. VS. PRANAY SETHI***³ and rests his case.

6. Sri.S.V.Hegde Mulkhand, argued in support of the judgment and award passed by the Tribunal and submits that the Tribunal has properly considered the deduction at 50% towards personal expenses taking into consideration that he was bachelor and sought to dismiss the appeal.

7. In support of his arguments, Sri.Hegde Mulkhand, relied on the judgment of Hon'ble Supreme Court in the case of ***MUNNA LAL JAIN AND ANOTHER v. VIPIN KUMAR SHARMA AND OTHERS***⁴ to contend that 50% deducted towards personal expenses is just and proper.

³ (2017) 16 SCC 680

⁴ (2015) 6 SCC 347



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8. Having considered the rival submissions, this Court has perused the entire appeal papers.

9. This Court finds force in the arguments of Sri.Gopal Krishna in view of law laid down by the Hon'ble Supreme Court in **SARLA VERMA's** case supra wherein the Hon'ble Supreme Court has clearly held that even in case of bachelor's death, if the father is predeceased and other siblings are dependant on the deceased, the Tribunal can consider the deduction towards personal expenses at 1/3rd instead of 50%.

10. In **MUNNA LAL's** case supra, the claimants were both the parents i.e., father and mother, in the case on hand, the widow mother and sister were before the Tribunal. In that view of the mater, the judgment of the Hon'ble Supreme Court in **MUNNA LAL's** case supra is on facts is distinguishable, as such not applicable to the case on hand.



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11. Further in view of settled position of law by the Hon'ble Supreme Court in **PRANAY SETHI's** case supra, the claimants are entitled for 10% escalation for each completed 3 years from 2017 on compensation under conventional head. The judgment and award clearly indicates that though the Tribunal has awarded Rs.40,000/- towards 'loss of consortium', but it is only in respect of claimant No.1, however, no compensation is awarded against claimant No.2, though she is also entitled for the said compensation.

12. In that view of the matter, this Court proceeds to reassess the compensation as under:

Sl. No.	Particulars	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Towards dependency and loss of future earnings	Rs.21,16,800/-	Rs.28,22,400/- (14,000/+40%x12x18x2/3rd)
2	Towards Filial Consortium (Rs.40,000/- x 2 + 20% escalation for 2 terms)	Rs.40,000/-	Rs.96,000/-
3	Towards loss of estate and funeral expenses (Plus 20% escalation for 2 terms)	Rs.30,000/-	Rs.36,000/-
	Total	Rs.21,86,000/-	Rs.29,54,400/-



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13. Accordingly, the claimants are entitled for enhanced compensation of Rs.7,68,100/- rounded off to **Rs.7,69,000/-**, which shall carry interest @ 6% p.a. from the date of petition till realisation.

14. For the reasons aforesaid, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 03.08.2022 passed in MVC No.6408/2019 by the Motor Accident Claims Tribunal, Bengaluru, (SCCH-11), is modified and the claimants are entitled for enhanced compensation of **Rs.7,69,000/-** along with interest @ 6% p.a. from the date of petition till realisation.
- (iii) The respondent No.2/insurer shall deposit the enhanced compensation along with interest stated supra before the concerned



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Tribunal, within six weeks from the date of receipt of copy of this order.

(iv) Upon deposit, the apportionment and disbursement is as per the order passed by the Tribunal.

(v) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

DR
List No.: 1 Sl No.: 10
ct-vn