



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

M.F.A. NO. 122 OF 2024 (MV-D)

BETWEEN:

1. SMT. NEELAMMA
W/O LATE KARIGOWDA.
AGED ABOUT 52 YEARS,
2. SRI SHIVAJALENDRA K K
S/O LATE KARIGOWDA,
AGED ABOUT 42 YEARS,
3. SMT ANITHA K K
D/O KARIGOWDA,
AGED ABOUT 34 YEARS,

APPELLANT 1 TO 3 ARE
R/AT KANAKAKOPPALU VILLAGE,
HANAGALLU,
ARAKALUGUDU TALUK,
RAMANATHAPURA HOBLI,
HASSAN DISTRICT-573136.

4. SMT. SUNITHA K K
W/O PRAVEEN DHARMANANAD B S
AGED ABOUT 32 YEARS,
R/AT NUMBER 119, 3RD BLOCK,
GOPAL CIRCLE,
GUMMANAKOLLI VILLAGE, MULLUSOGE,
SOMAVARAPETE TALUK,
KODAGU DISTRICT-571234.

...APPELLANTS

(BY SRI. AKASH, ADV. FOR
SRI RAJARAM SORRYAMBAIL, ADV.)

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka



NC: 2026:KHC:35960-DB
MFA No. 122 of 2024

AND:

1. SRI. SRI. B.A. IBRAHIM
S/O AHMED BIRAI,
AGED ABOUT 30 YEARS,
R/AT NUMBER 197/1, B.M. ROAD,
KUSHALANAGARA,
SOMAVARAPETE TALUK,
KODAGU DISTRICT-571234.
2. THE MANAGER
BRANCH OFFICE DIVISION,
THE NEW INDIA ASSURANCE
COMPANY LIMITED
J.L.B ROAD, CHAMUNDIPURAM,
MYSURU-570004.

...RESPONDENTS

(BY SRI. C.R. RAVISHANKAR, ADV. FOR R2
NOTICE TO R1 IS D/W)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.11.2021 PASSED IN MVC NO. 880/2020 ON THE FILE OF THE IV ADDITIONAL DISTRICT JUDGE AND MACT, MYSURU, 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 S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

This appeal is filed by the claimants under Section 173(1) of the Motor Vehicles Act, 1989 aggrieved by the judgment and award dated 20.11.2021 in MVC.No.880/2020 on the file of the IV Additional District Judge and MACT, Mysuru (for short, 'the Tribunal') not being satisfied with the compensation awarded by the Tribunal, seeking enhancement of the same.

2. The claimants, wife and children of the deceased Sri. Karigowda filed claim petition under Section 166 of the Motor Vehicles Act, 1989 claiming compensation for the accidental death of said Sri.Karigowda, husband of the first claimant in a road traffic accident that occurred on 30.08.2020 involving motor bike bearing registration No.KA-19-EG-3647 and another motorcycle bearing registration No.KA-12-Q-5098. It is stated that the deceased was aged 53 years as on the



date of accident and was earning Rs.20,000/- p.m., through agricultural and dairy farming.

3. Before the Tribunal, on service of notice, respondent No.1 remained absent and respondent No.2 – insurer appeared and filed its statement denying the claim petition averments. However, it was contended by the insurer that the accident occurred solely due to the negligence of the deceased rider. It is also contended that the deceased was not having valid driving license as on the date of the accident.

4. Claimant No.1, wife of the deceased examined herself as PW1 and marked documents at Ex.P1 to Ex.P21, whereas on behalf of the insurer/respondent one witness is examined as RW1 and marked document Ex.R1.

5. The Tribunal on considering the material on record, awarded total compensation of Rs.15,25,200/- with interest at the rate of 6% p.a., from the date of petition till deposit on the following heads:



Sl.No.	PARTICULARS	AMOUNT
1.	Towards loss of dependency	Rs. 12,85,200/-
2.	Loss of consortium	Rs. 1,60,000/-
3.	Towards medical expenses including the conveyance	Rs. 55,000/-
4.	Towards funeral, obsequies expenses and transportation of dead body	Rs. 25,000/-
	TOTAL	Rs. 15,25,200/-

6. While awarding the above compensation, the Tribunal assessed the monthly income of the deceased at Rs.14,000/- p.m., added 10% towards future prospects, deducted 1/4th towards personal expenses of the deceased while applying multiplier of '9', taking the age of the deceased at 57 years. Not being satisfied with the quantum of compensation awarded, the claimants are before this Court seeking enhancement of the compensation.

7. Heard learned counsel Sri.Akash for Sri.Rajaram Sooryambail, learned counsel for the appellants/claimants and learned counsel Sri.C.R.Ravishankar for respondent No.2/insurance company. Perused the entire appeal papers including the Tribunal records.



8. Learned counsel for the appellants/claimants would submit that the Tribunal committed a grave error in assessing the income of the deceased at Rs.14,000/- p.m. He would submit that the Tribunal while assessing the notional income of the deceased ought to have assessed income of Rs.14,500/- as fixed by the Karnataka State Legal Services Authority. Further, learned counsel would submit that the Tribunal also committed a grave error in taking the age of 57 years on the basis of postmortem report while ignoring Ex.P13 – notarized copy of election ID card, which indicates that the deceased was aged 53 years as on the date of accident. Thus, learned counsel would pray for allowing the appeal and to enhance the compensation.

9. Per contra, learned counsel Sri.C.R.Ravishankar for respondent/insurance company would not dispute with regard to notional income i.e., fixed for the year 2020 at Rs.14,500/- by the Karnataka State Legal Services Authority. However, he would submit that the Tribunal



has rightly taken the age of the deceased as 57 years, placing reliance on Ex.P8 – postmortem report as well as taking note of the PAN Card which reveals 57 years. Thus, he would submit that the multiplier applied by the Tribunal as '9' is proper and correct.

10. Having heard the learned counsel appearing for the parties and on perusal of the entire appeal papers, the only point which falls for our consideration is as to,

Whether the claimants would be entitled for enhancement of compensation?

11. Answer to the above point would be in the affirmative for the following reasons:

The accident in question that occurred on 30.08.2020 involving motor bike bearing registration No.KA-19-EG-3647 and another motorcycle bearing registration No.KA-12-Q-5098 and the death of the husband of first claimant Sri.Karigowda is not in dispute in this appeal. So also, there is no dispute with regard to existence of valid insurance policy as on the date of accident. The claimants



are in appeal seeking enhancement of compensation, not being satisfied with the quantum of compensation.

12. The accident is of the year 2020. Admittedly, the claimants have not placed anything on record to establish the income of the deceased. In the absence of material to establish the income of the deceased, it is for the Courts/Tribunals to assess the income notionally. The notional income for the year 2020 fixed by the Karnataka State Legal Services Authority is Rs.14,500/- p.m. Accordingly, we re-assess the monthly income of the deceased at Rs.14,500/- p.m.

13. Learned counsel for the appellants/claimants contended that the age of the deceased was 53 years as on the date of the accident placing reliance on Voter ID card at Ex.P30. However, the Tribunal at paragraph 15 has determined the age of the deceased at 57 years, taking note of Ex.P8 – postmortem report as well as PAN card. When the Tribunal has determined the age of the deceased at 57 years taking note of the valid document



i.e., PAN Card - Ex.P8, there is no reason to interfere with the same. In view of the re-assessment of the monthly income of the deceased at Rs.14,500/-, the claimants would be entitled for the following modified compensation on the head of loss of dependency:

$$\text{Rs.14,500} + 1,450 - \frac{1}{4} \times 12 \times 9 = \text{Rs.12,91,950/-}$$

14. The Tribunal has rightly awarded a sum of Rs.40,000/- each to the claimants towards loss of consortium. The Tribunal has also rightly awarded the compensation towards the medical expenses at Rs.55,000/- as per the bills. The claimants would be entitled for Rs.15,000/- each on the head of loss of estate and towards funeral expenses. Thus, the claimants would be entitled for the following compensation:

Sl.No.	PARTICULARS	AMOUNT
1.	Towards loss of dependency	Rs. 12,91,950/-
2.	Loss of consortium	Rs. 1,60,000/-
3.	Towards medical expenses including the conveyance	Rs. 55,000/-
4.	Towards funeral, obsequies expenses and transportation of dead body	Rs. 30,000/-
	TOTAL	Rs. 15,36,950/-



15. Thus, the claimants would be entitled to a total compensation of Rs.15,36,950/- as against Rs.15,25,200/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till date of realization. However, in terms of order dated 15.11.2025, the claimants would not be entitled for interest on the enhanced compensation.

16. In the result, we proceed to pass the following:

ORDER

- a) Appeal is allowed in part.
- b) The impugned judgment and award of the Tribunal is modified holding that the claimants would be entitled to total compensation of Rs.15,36,950/- as against Rs.15,25,200/- awarded by the Tribunal.
- c) The entire compensation amount shall carry interest at the rate of 6% per annum from the date of petition till date of realization. However, in terms of order dated 15.11.2025, the claimants would not be entitled for interest on the enhanced compensation.



- d) The respondent-Insurance Company shall deposit the entire compensation amount with accrued interest before the Tribunal within four weeks from the date of receipt of certified copy of this judgment.
- e) Apportionment, deposit & disbursement shall be made as per the award of the Tribunal.
- f) The amount in deposit, if any, be transmitted to the concerned Tribunal forthwith along with Trial Court Records.
- g) Draw modified award accordingly.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE