



CNR: KAHC010028762023

NC: 2026:KHC:40476
MFA No. 432 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 432 OF 2023 (MV-D)

BETWEEN:

1. SMT. NASARATH SULTHAN
W/O RIZWAN AHMED
AGED ABOUT 38 YEARS
2. MASTER MOHAMMAD FARHAN
S/O RIZWAN AHMED
AGED ABOUT 7 YEARS.

REPRESENTED BY HIS MOTHER
AND NATURAL GUARDIAN
SMT. NASARATH SULTHAN
W/O RIZWAN AHMED
AGED ABOUT 38 YEARS.

APPELLANT No.1 AND 2
R/AT WARD No. 26
ZAREEN MANZIL
OMB ROAD
CHIKKABALLAPUR- 562 101.

3. SMT. UBEDULLA
S/O ABDUL HAFIZ
AGED ABOUT 55 YEARS
R/AT No.208, WARD No.11
MASIDAI ROAD
CHIKKABALLAPURA- 562 101.

...APPELLANTS

(BY SRI NAIK KRISHNA VENKATRAMAN, ADVOCATE)

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



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AND:

1. DR. P DEEPA
W/O DR. D MOHAN RAO
MAJOR
R/AT III-161-28/1
SBI COLONY EXTENSION
NLF KIDS CAMPUS ROAD
MADANAPALLE
ANDRA PRADESH- 517 325.
2. THE MANAGER
NEW INDIA ASSURANCE CO.,
LTD., 2-B, UNITY BUILDINGS
ANNEXE, MISSION ROAD
BENGALURU- 27.

...RESPONDENTS

(BY SRI AKSHAY P V, ADVOCATE FOR
SRI RAVISHANKAR A, ADVOCATE FOR R2
V/O DTD. 19.01.2023, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:24.08.2022 PASSED IN MVC No.695/2021 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU SCCH-18, 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



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ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 24.08.2022 passed in MVC No. 695/2021 by the III Additional Judge and Member, MACT, Court of Small Causes, Bengaluru (SCCH-18).

2. Even though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 2 – Insurer.

4. Appellants – claimants made a claim petition praying to award compensation for the death of Rizwan Ahmed (husband of claimant No. 1, father of claimant No. 2 and son of claimant No. 3) in a road traffic accident that occurred on 03.01.2021 due to the rash and negligent



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driving by the driver of Maruti Breeza car bearing registration No. AP-03-BW-2169. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards loss of dependency	Rs.21,81,645.00
2	Towards loss of consortium	Rs.44,000.00
3	Towards loss of estate	Rs.16,500.00
4	Towards funeral & obsequies ceremony expenses	Rs.16,500.00
5	Towards transportation of dead body	Rs.10,000.00
	Total	Rs.22,68,645.00

5. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimants seeking enhancement of the compensation awarded, have filed the present appeal.



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6. Learned counsel for appellants - claimants would contend that as per Ex.P.22 monthly fixed salary of the deceased was Rs.23,254/- and incentives approximately of Rs.12,000/-. As per Ex.P.33 his gross salary is Rs.22,698/- and only professional tax of Rs.200/- is to be deducted from the said gross salary. The Tribunal has erred in taking the gross salary stated in Ex.P.34 in a sum of Rs.18,254/- and deducting Rs.200/- towards professional tax and taken the income of the deceased at Rs.18,054/-. Employer has also let in evidence and he has been examined as P.W.3. He further contends that the claimants are the wife, son and father of the deceased and the Tribunal has only awarded consortium to one claimant in a sum of Rs.44,000/-. All the claimants are entitled to consortium in a sum of Rs.44,000/- each. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 - Insurer would contend that Ex.P.22 is a certificate dated 21.09.2021 issued regarding salary and other emoluments



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of the employee Rizwan Ahmed and Ex.P.33 is the salary annexure and it is not pay slip. Ex.P.34 is the pay slip and based on the same the Tribunal has rightly taken the income of the deceased at Rs.18,054/-. After deducting Rs.200/- towards professional tax in the gross salary the Tribunal has taken the income of the deceased as Rs.18,054/-. Compensation awarded under other heads is just and proper. There are no grounds for enhancement of the compensation.

8. Having heard learned counsel for the parties, this Court has perused the judgment, award and certified copies of depositions and documents made available by learned counsel for appellants.

9. The deceased was working in Liberty showroom. P.W.3 is the Manager of the said Liberty showroom. Ex.P.22 is the details of salary and other emoluments of the deceased – Rizwan Ahmed and it is dated 21.09.2021. Said certificate is issued subsequent to



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the date of accident. Ex.P.33 is the salary Annexure 1 and it is not the salary slip. Ex.P.34 is the salary slip for the month of December, 2020 and as per it the gross salary of the deceased was Rs.18,254/-. After deducting Rs.200/- towards professional tax net salary of the deceased is Rs.18,054/-. The Tribunal has rightly taken the said net salary of the deceased in a sum of Rs.18,054/-. The Tribunal has rightly added 40% towards future prospects, applied multiplier of 15 and deducted 1/3rd towards personal expenses and awarded loss of dependency.

10. Claimants are the wife, son and father of the deceased. Each of the claimants are entitled to consortium in a sum of Rs.44,000/-. The Tribunal has only awarded Rs.44,000/- towards 'loss of consortium'. Therefore, claimants are entitled to 'loss of consortium' in a sum of Rs.1,32,000/- (44,000 X 3) as against Rs.44,000/- awarded by the Tribunal.



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11. The Tribunal has rightly awarded 'loss of estate' in a sum of Rs.16,500/-, 'funeral expenses' in a sum of Rs.16,500/- and 'transportation charges' in a sum of Rs.10,000/-. Considering the above aspects, claimants are entitled to enhanced compensation of Rs.88,000/- (1,32,000-44,000) with interest at the rate of 6% p.a. from date of petition till the date of realization. Respondent No.2 – Insurer is liable to pay the said compensation with interest.

12. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Claimants are entitled to enhanced compensation of Rs.88,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.



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d) Disbursement of enhanced compensation is as per the terms of the award passed by the Tribunal.

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

LRS
List No.: 1 Sl No.: 34
Ct.sm