



CNR: KAHC010040572025

NC: 2026:KHC:42997
MFA No. 568 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO. 568 OF 2025 (MV-D)

BETWEEN:

SHEELA,
W/O LATE CHANDRAPPA,
AGED ABOUT 58 YEARS,
R/AT G. MARAHALLI VILLAGE,
TQ. NANJANAGUDU,
MYSURU DISTRICT.
PRESENT R/AT MADAPURA VILLAGE,
CHAMARAJANAGAR TALUK
AND DISTRICT - 570 001.

...APPELLANT

(BY SRI. GAURAV G.K, ADVOCATE)

AND:

1. SMT. MANJUNATHA,
S/O GURUVAIAH,
AGE NOT KNOWN TO APPELLANT
R/AT. 24, KUPPARAVALLI VILLAGE,
NANJANGUDU TALUK,
MYSURU DISTRICT - 570 001
(OWNER CUM RIDER OF THE EXCEL SUPER
MOTOR CUCLE BEARING NO. KA-55-Y-5063)
2. THE BRANCH MANAGER,
TATA, AIG INSURANCE COMPANY LTD.,
1ST FLOOR, SUNNI CENTRE NO.97
NEW KALIDAS ROAD, VIJAYA NAGARA,
1ST STAGE,
MYSURU - 570 001.

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



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(INSURER OF THE EXCEL SUPER MOTOR
CYCLE BEARING NO. KA-55-5063)

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 31.07.2026, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 03.02.2023 PASSED IN MVC
NO. 323/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
C.J.M, MACT, CHAMARAJANAGARA, 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 claimant seeking
enhancement of compensation awarded in the Judgment
and Award dated 03.02.2023 passed in MVC No.323/2020
by Senior Civil Judge and MACT, Chamarajanagar.

2. Even though the matter is listed today for
admission, with the consent of both the learned counsel
for appellant and learned counsel for respondent
No.2/insurer, the matter is taken up for disposal.



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3. The appellant/claimant made a claim petition seeking for award of compensation for the death of Chandrappa (husband of the claimant) in a road traffic accident occurred on 21.09.2020 contending that the accident occurred due to rash and negligent driving by the driver of Excel Super bearing registration No.KA-55-Y-5063.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 11,48,650/-
2.	Loss of Spouse consortium of petitioner 1	Rs. 40,000/-
3.	Loss of estate	Rs. 15,000/-
4.	Transportation of dead body	Rs. 5,000/-
5.	For funeral expenses	Rs. 15,000/-
	Total	Rs. 12,23,400/-



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5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellant would contend that, the Tribunal has not taken into consideration 10% escalation on conventional heads and prays to consider the same. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.



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9. Having heard the learned counsel for appellant/claimant and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment and Award.

10. The claimant is the wife of the deceased and she is entitled to consortium in a sum of Rs.40,000/- with 10% escalation as per the decision of the Hon'ble Apex Court in the case of **NATIONAL INSURANCE COMPANY vs. PRANAY SETHI AND OTHERS** reported in **AIR 2017 SC 5157**. Therefore, the claimant is entitled to consortium in a sum of Rs.44,000/- as against Rs.40,000/- awarded by the Tribunal.

11. Considering all the above aspects, the claimant is entitled to enhanced compensation of Rs.4,000/- with interest at the rate of 6% per annum from the date of petition till realisation.

12. Respondent No.2/insurer is liable to pay the enhanced compensation amount with interest.



13. The claimant is not entitled to interest for the delay period of 626 days in filing the appeal as per order dated 31.07.2026 passed on I.A.No.1/2025.

14. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to the enhanced compensation of Rs.4,000/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the said enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellant/claimant is not entitled to interest for delay period of 626 days in filing the appeal.*



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- v) *The appellant/claimant is entitled to release of entire enhanced compensation with interest.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 2 Sl No.: 16