



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.1557 OF 2019(MV-D)

BETWEEN:

1. SMT SUKANYA
W/O LATE GOPAL,
AGD ABOUT 42 YEARS,
2. MR. SAGAR A.G
S/O LATE GOPAL,
AGED ABOUT 22 YEARS,
3. MISS SOWNDARYA A.G
S/O LATE GOPAL,
AGED ABOUT 20 YEARS,
4. SMT. CHIKKATHAYAMMA
W/O LATE GIRITHAMMAIAH @CHOTHAPPA
AGED ABOUT 69 YEARS

Digitally
signed by
AASEEFA
PARVEEN

Location:
HIGH COURT
OF
KARNATAKA

ALL ARE R/AT NO.22, ATTIKUPPE VILLAGE,
KANAKAPURA TALUK,
RAMANGARA, DISTRICT 562159.

...APPELLANTS

(BY SRI. K.S. ANAND, ADVOCATE FOR

SRI. GIRISHA H. M., ADVOCATE)



AND:

1. THE MANAGER
RELIANCE GENERAL INS CO. LTD.,
NO.3, 1ST FLOOR, MANANDI PLAZA,
ST. MARKS ROAD,
BESIDE ST. MARKS HOTEL,
BENGALURU - 560001.
2. MR. NARASIMHA MURTHY,
S/O MADANNA,
NO.198/A, MADAPATNA VILLAGE,
JIGANI HOBLI,
ANEKAL TALUK,
BENGALURU - 560105.

...RESPONDENTS

(BY SRI. JANARDHANA REDDY, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R1;
VIDE ORDER DATED 21.06.2025,
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 22/09/2018, PASSED IN
MVC NO.3531/2017, ON THE FILE OF THE XXII ADDITIONAL
SMALL CAUSES JUDGE & MEMBER, MACT, COURT OF SMALL
CAUSES, BENGALURU, 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 DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri. K.S. Anand, who represents Sri.Girisha H.M. learned counsel on record for the appellants as well as Sri.Janardhan Reddy who represents Sri.B.Pradeep, learned counsel on record for respondent No.1.

2. Being aggrieved by the sum that is awarded as compensation by the Motor Accident Claims Tribunal, Bengaluru, through orders in MVC No.3531/2017 dated 22.09.2018, the claimants therein preferred this appeal.

3. As against the claim for ₹25,00,000/- in total, the Tribunal awarded a sum of ₹13,86,300/- as compensation. The version of the appellants is that they are entitled to the sum claimed.

4. Arguing the matter, learned counsel who represents the appellants contends that first appellant is the wife, second appellant is the son, third appellant is the daughter and fourth appellant is the mother of deceased Gopal who died in a road traffic accident that occurred in the year 2017. Deceased Gopal, (hereinafter be referred to as the 'deceased' for brevity) was working as 'Gardener' at different places and was earning



₹15,000/- per month. But purely basing on the entries in the bank account, Tribunal took the income of the appellant as ₹9,000/- per month. Learned counsel states that the accident occurred in the year 2017 and for the relevant period the Karnataka State Legal Services Authority is taking the notional income as ₹11,000/- per month and at-least said figure ought to have been adopted by the Tribunal. Learned counsel further submits that compensation granted towards loss of consortium is grossly low. Learned counsel thereby seeks to allow the appeal.

5. Learned counsel who represents respondent No.1 submits seeks to dispose of the appeal by taking the notional income as sought for by learned counsel for the appellants.

6. The version of the appellants is that the deceased was earning ₹15,000/- per month as 'Gardener'. However, no substantive proof to that effect is produced. Hence, considering the submission made before this Court by both the learned counsel, the notional income of the deceased is taken as ₹11,000/- per month.



7. On taking the notional income of the deceased as ₹11,000/- per month and without disturbing other parameters i.e. adding 25% towards future prospects, deducting 1/4th towards personal and living expenses which the deceased would have incurred for himself had he been alive and applying the appropriate multiplier '13', the compensation which the appellants are entitled to receive towards loss of dependency is as under:

Description	Amount Rs.
Notional income per month	11,000-00
Annual income (11,000 x 12)	1,32,000-00
On adding 25% towards future prospects (1,32,000+25%)	1,65,000-00
On deducting 1/4 th towards personal and living expenses	1,23,750-00
Loss of dependency, on applying appropriate multiplier '13'	16,08,750-00

Thus, the appellants are entitled to a sum of ₹16,08,750/- towards loss of dependency. Tribunal held that appellants are entitled to a sum of ₹13,16,300/- only towards 'loss of dependency'. Tribunal also held that appellants are



entitled to a sum of ₹40,000 towards loss of consortium. However, first appellant being the wife of the deceased is entitled to ₹40,000 towards loss of spousal consortium, appellants No.2 and 3 being the children of the deceased are entitled to ₹40,000/- towards loss of parental consortium and appellant No.4 being the mother of the deceased is entitled to ₹40,000/- towards loss of filial consortium. Thus, total sum which the appellants are entitled to receive compensation is as under:

Sl. No	Heads of compensation	Amount in Rs.
1	Loss of dependency	16,08,750-00
2	Funeral expenses	15,000-00
3	Loss of estate	15,000-00
4	Loss of spousal consortium	40,000-00
5	Loss of parental consortium	40,000-00
6	Loss of filial consortium	40,000-00
Total Compensation		17,58,750-00.

8. Thus, the aforementioned discussion makes it clear that appellants are entitled to a sum of ₹17,58,750/- as compensation. Therefore, appeal is disposed of with the following:



ORDER

- (i) Appeal is allowed in part.
- (ii) Compensation that is granted by the Motor Accident Claims Tribunal, Bengaluru through orders in MVC No.3531/2017 dated 22.09.2018 is enhanced from ₹13,86,300/- to ₹17,58,750/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- (iv) Appellant No.1 is entitled to 50%, appellants No.2 and 3 are entitled to 10% each and appellant No.4 is entitled to 30% of the enhanced sum.
- (v) Respondent No.1 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.



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- (vi) On deposit, appellants are permitted to withdraw their respective shares.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP,
CT:TSM
List No.: 1 SI No.: 43