



CNR: KAHC010051542024

NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

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

MISCELLANEOUS FIRST APPEAL NO.392 OF 2024 (MV-D)

BETWEEN:

1. S.PUSHPALATHA
W/O LATE MALLAPPA T.S.,
AGED ABOUT 61 YEARS,
2. SHILPA M
W/O SWAROOP K.V.,
AGED ABOUT 38 YEARS,
BOTH ARE RESIDING AT
MIG-7, WARD NO.21,
BASAVANAGUDU BLOCK,
NANJANAGUDU (RURAL),
MYSURU - 571 301.

...APPELLANTS

(BY SRI.SHANTHARAJ K., ADVOCATE)

AND:

1. H.L. NAGARAJU,
S/O LATE H.LINGAIAH,
AGED ABOUT 63 YEARS,
R/AT NO.1715, 6TH MAIN,
VIJAYANAGAR 2ND STAGE,
MYSURU - 570 017.
2. THE MANAGER,
ICICI LOMBARD GEN.CO.LTD.,

Digitally signed
by G
SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010051542024

NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

1ST FLOOR, MITHRY ARACCE,
NEW KANTARAJA URS ROAD,
NEW SARSWATHI THEATRE,
SARASWATHIPURAM,
MYSURU – 570 009.

...RESPONDENTS

(BY SRI.B.C.SHIVANNEGOWDA, ADVOCATE FOR R2,
VIDE ORDER DATED 15/03/2024,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.07.2023 PASSED IN MVC
NO.531/2021 ON THE FILE OF THE JUDGE, ADDITIONAL
COURT OF SMALL CAUSES AS A PRESIDING OFFICER, 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 DR. JUSTICE K.MANMADHA RAO)

This appeal is filed by the appellants/claimants
seeking for enhancement of compensation arising out of



NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

CNR: KAHC010051542024

judgment and award dated 13.07.2023 in MVC No.531/2021, passed by the Additional Small Causes and Senior Civil Judge at Mysuru (for short, 'Tribunal').

2. The brief facts of the case are that: -

On 07.03.2021 at about 2.45 a.m., the deceased Chandan M. was traveling as an inmate in Honda Amaze Car bearing Reg.No.KA-09-MC-7699 near Ring Road, University Layout, Lingambudipalya, Mysuru. At that time, the driver of the offending vehicle drove the same in a rash and negligent manner, took sudden left turn, lost control over the said vehicle and dashed against the street electric pole, due to which, the Car turned upside down and caused the accident. Due to the said impact, the deceased sustained severe head injury and other injuries all over the body. Immediately, he was shifted to Bhanavi Hospital, Mysuru, and thereafter, was treated as an inpatient at Apollo Hospital, Mysuru but the deceased succumbed to the injuries on 10.03.2021. Hence, the



**NC: 2026:KHC:36356-DB
MFA No. 392 of 2024**

CNR: KAHC010051542024

claimants filed claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking for compensation for the accidental death of the said Sri.Chandan M.

3. Before the Tribunal, upon issuance of notice, the respondent Nos.1 and 2 appeared through their respective counsel and filed their statement of objection respectively.

4. In order to substantiate the case of the claimants, the appellant No.1 got herself examined as PW-1 and examined one witness as PW-2 and got marked documents at Exs.P1 to P22. On the other hand, respondents neither got examined any witness nor got marked any documents.

5. On the basis of the pleadings of the parties, the Tribunal framed the issues and held that the Insurance Company is liable to pay total compensation of Rs.1,46,03,103/- with interest at the rate of 6% per annum from the date of petition till realization.



CNR: KAHC010051542024

6. Heard learned counsel appearing for the appellants and respondent No.2 and perused the entire material on record.

7. Learned counsel for the appellants submits that the appellant No.2 being sister of the deceased is dependent upon the earnings of the deceased. Merely residing in husband's house cannot be a ground to conclude that she was not dependent on the earnings of the deceased and the deceased used to contribute to the maintenance of his sister and no contrary evidence has been adduced by the respondent No.2 - insurer. Hence, appellant No.2 is entitled for compensation and the Tribunal has erred in not awarding compensation to the appellant No.2. He further contends that the deceased was working as a Forecast Analyst at Amazon Development Center Private Limited earning a sum of Rs.1,15,000/- per month.



CNR: KAHC010051542024

8. Learned counsel for the appellants further contends that the Tribunal has failed to consider the fact that as per Ex.P.22 - Form No.16, the deceased has already paid income tax for a sum of Rs.1,75,927/-. In spite of paying the said income tax amount, the Tribunal has again deducted the same while computing 'loss of dependency'. Hence, this Court needs to interfere with the impugned judgment and award. Therefore, learned counsel for the appellants prays to allow the appeal by enhancing the compensation.

9. Learned counsel for the respondent No.2 - Insurance Company vehemently contended that the deceased was unmarried and claimants are his mother and married sister. Claimants contend that they were dependent upon the earnings of the deceased. With regard to the apportionment of compensation to the appellant No.2 i.e., married sister, the Tribunal has recorded a finding that there is no material on record to show that the appellant No.2 being married sister of the



CNR: KAHC010051542024

NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

deceased was dependent on the income of the deceased. Further, PW-1 in the cross-examination admitted that appellant No.2 being married was residing with her husband at Shrirampura, Mysuru. Thus, the appellant No.2 being married sister cannot be construed to be dependent of the deceased and thus, appellant No.2 is not entitled for compensation. He further contends that the compensation awarded by the Tribunal is just and reasonable and does not warrant any interference of this Court. Hence, prays for dismissing the appeal.

10. Having heard the learned counsel for the parties and on perusal of the appeal papers as well as the Trial Court records, the following points arise for our consideration:

- i. Whether the Tribunal was justified in holding that the Claimant No.2 was not dependent on the deceased?*



CNR: KAHC010051542024

NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

ii. Whether the compensation awarded by the Tribunal warrants interference?

11. The accident that occurred on 07.03.2021 at about 2.45 a.m. that led to death of the deceased Sri.Chandan on 10.03.2021 is not in dispute. The claimants are before this Court seeking enhancement of the compensation awarded by the Tribunal. The learned counsel for the claimants has submitted that the sister of the deceased was dependant on the income of the deceased. However, absolutely no material is placed on record to establish the same. The Hon'ble Apex Court in **SARLA VERMA (SMT.) & ORS. V. DELHI TRANSPORT CORPORATION & ANR.** reported in **(2009) 6 SCC 121** has made it clear that in the absence to the contrary, the brothers and sisters of the deceased will not be considered as dependents. The relevant extract is reproduced hereunder:

"31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a



CNR: KAHC010051542024

NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father."

Thus, the Tribunal was justified in holding that the sister of the deceased, i.e. Claimant No.2 shall not be entitled for compensation.

12. With regard to compensation to be awarded to the claimant No.1, learned counsel for the claimants submitted that the Tribunal has erred in assessing the monthly income of the deceased at Rs.1,05,617/- per month. A perusal at Ex.P22 - Form 16 would indicate that



CNR: KAHC010051542024

the deceased was earning Gross Salary of Rs.12,92,747/- per annum. For the AY 2021-22, the applicable tax on Rs.12,92,747/- would be Rs.2,00,324/-. Thus, after deducting the income tax of Rs.2,00,324/- and professional tax of Rs.2,400/- the net annual income of the deceased would be Rs.10,90,023/-. Since the deceased was a bachelor, the Tribunal was justified in deducting 50% from the income of the deceased for personal and living expenses of the deceased. Moreover, since the deceased was aged 29 years and having a salaried job as a Forecast Analyst at Amazon Development Center Private Limited, the future prospectus of 50% would be applicable. The applicable multiplier would be '17'. Hence, the compensation to be awarded to the claimant under the head 'loss of dependency' is as under:

$$10,90,023 - 50\% + 50\% \times 17 = \mathbf{Rs.1,38,97,784/-}$$



CNR: KAHC010051542024

13. With regard to compensation to be awarded under the conventional heads, the Tribunal erred in granting compensation of just Rs.40,000/- under loss of consortium. Even though we have held that the Claimant No.2 was not dependant on the deceased, the claimant No.2 shall be eligible for grant of compensation under the head 'loss of consortium'. Thus, in terms of decision of the Hon'ble Apex Court in ***NATIONAL INSURANCE COMPANY LIMITED VS. PRANAY SETHI & OTHERS*** reported in ***AIR 2017 SC 5157***, the claimants are awarded Rs.40,000/- each under the head of 'loss of consortium'. Since the accident is of the year 2021, the compensation awarded under the conventional heads shall be enhanced by 10%. Thus, the claimants shall be entitled to modified compensation as under:

1.	Loss of Dependency	:	Rs.	1,38,97,784/-
2.	Loss of consortium	:	Rs.	88,000/-
3.	Loss of estate	:	Rs.	16,500/-



NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

CNR: KAHC010051542024

4.	Funeral expenses	:	Rs.	16,500/-
5.	Expenses relating to treatment, hospitalization and medicines	:	Rs.	36,200/-
	TOTAL	:	Rs.	1,40,54,984

14. Thus, on a proper appreciation of the claim petition and the materials placed on record, the claimants shall be entitled to compensation of Rs.1,40,54,984/- as against Rs.1,46,03,103/- awarded by the Tribunal. However, it is noticed that the instant appeal is filed by the claimants and not by the insurance company. The insurance company has accepted the judgment and award passed by the Tribunal and no appeal is filed challenging the same. Such being the circumstances, we are of the considered opinion that the claimants cannot be left worse off than they were prior to filing the appeal. Thus, we deem it appropriate to sustain the judgment and award passed by the Tribunal and dismiss the appeal filed by the



CNR: KAHC010051542024

NC: 2026:KHC:36356-DB
MFA No. 392 of 2024

claimants. Thus, for the reasons recorded hereinabove,
the appeal filed by the claimants is ***dismissed***.

No order as to costs.

**Sd/-
(S.G.PANDIT)
JUDGE**

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

MH/-
List No.: 1 Sl No.: 58