



CNR: KAHC010058372026

NC: 2026:KHC:47399  
MFA No. 650 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL NO. 650 OF 2026 (MV-D)**

**BETWEEN:**

1. SMT. BHAGYAMMA  
W/O LATE RANGASWAMY  
AGED ABOUT 51 YEARS
2. SRI PUNITH KUMAR R  
S/O LATE RANGASWAMY  
AGED ABOUT 28 YEARS.
3. SRI VIJAYKUMAR R  
S/O LATE RANGASWAMY  
AGED ABOUT 27 YEARS

ALL ARE R/AT KOTTAGANAHALLI  
MOTAGANAHALLI, SOLUR HOBLI  
MAGADI TALUK, RAMANAGARA DISTRICT.

...APPELLANTS

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

(BY SRI JAGADEESH H T, ADVOCATE)

**AND:**

1. SRI RAVISHA GANIGA K  
S/O GOVINDA GANIGA K  
MAJOR, R/AT KAPPE HONDA  
HOSANGADI POST  
KUNDAPURA TALUK  
UDUPI DISTRICT-576 282.



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2. THE MANAGER  
UNIVERSAL SAMPO GENERAL  
INSURANCE CO, LTD,  
OFFICE AT No.217/A  
3<sup>RD</sup> FLOOR, 3<sup>RD</sup> MAIN  
OUTER RING ROAD  
KASTURI NAGARA  
BANGALORE-560 043.

...RESPONDENTS

(BY SRI D VIJAYKUMAR, ADVOCATE FOR R2  
V/O DTD. 14.07.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,  
AGAINST THE JUDGMENT AND AWARD DATED:06.04.2024  
PASSED IN MVC No.1527/2023 ON THE FILE OF THE XVI ADDL.  
JUDGE, COURT OF SMALL CAUSES, MEMBER MACT AT  
BENGALURU (SCCH-14), 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 appellants/claimants  
seeking enhancement of compensation awarded in  
judgment and award dated 06.04.2024 passed in MVC  
No.1527/2023 by the XVI Additional Judge, Court of Small  
Causes and Member, MACT, Bengaluru (SCCH-14).



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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellants and learned counsel for respondent No.2.

3. The appellants/claimants made a claim petition praying to award compensation for the death of Rangaswamy @ Rangaswamaiah in a road traffic accident occurred on 10.02.2023 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-20-Z-7566. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

| Sl.No. | Heads                       | Amount in (Rs.)    |
|--------|-----------------------------|--------------------|
| 01.    | Loss of consortium          | 1,32,000/-         |
| 02.    | Loss of love and affection  | 50,000/-           |
| 03.    | Loss of estate              | 16,500/-           |
| 04.    | Funeral expenses            | 16,500/-           |
| 05.    | Transportation of dead body | 10,000/-           |
| 06.    | Loss of dependency          | 9,50,400/-         |
|        | <b>Total</b>                | <b>11,75,400/-</b> |



4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

5. Heard learned counsel for the appellants and learned counsel for respondent No.2/insurer.

6. Learned counsel for appellants would contend that the accident occurred in the year 2023 and the notional income for the said year is Rs.16,250/- p.m. and it has to be taken as against Rs.16,000/- taken by the Tribunal. The claimants are wife and two major children of the deceased and therefore, deduction towards personal expenses of the deceased taken by the Tribunal at 50% is not proper and  $1/3^{\text{rd}}$  has to be taken. The Tribunal has rightly added 10% future prospects and applied multiplier '9'. With this he prayed to allow the appeal.



7. Learned counsel for respondent No.2/insurer would contend that two sons who are the claimants are major and they are not dependant on deceased and therefore, the Tribunal has rightly deducted 50% towards personal expenses of the deceased. With this he prayed for dismissal of the appeal.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 10.02.2023 and as on the date of accident, the deceased was aged 57 years. The Tribunal has taken the notional income at Rs.16,000/- p.m. As per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- p.m. and the same is to be taken as against Rs.16,000/- taken by the Tribunal. The deceased was aged 57 years and therefore, multiplier applicable is '9' and future prospects are to be added at 10%. The Tribunal has deducted 50% towards personal expenses of



the deceased. Even though second and third claimants are sons of the deceased and they are major and not dependant on the deceased, but claimant No.1 is the wife of deceased. The deceased was a married man having wife and two sons and deduction at 50% is in the cases of death of bachelor. Therefore, the deceased being married man, the deduction is to be taken at  $1/3^{\text{rd}}$  as against 50% taken by the Tribunal. In view of the above, loss of dependency is calculated as under:

$$\text{Rs.}16,250 + 10\% (1625) = 17,875 - 1/3 = 11,917$$

$$\text{Rs.}11,917 \times 12 \times 9 = 12,87,036/-$$

10. The Tribunal has awarded consortium to all the claimants by taking escalation. Therefore, the claimants are not entitled to a sum of Rs.50,000/- awarded by the Tribunal towards loss of love and affection separately. The Tribunal has awarded funeral expenses and it includes transportation of dead body. Therefore, award of



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Rs.10,000/- towards transportation of dead body is not proper.

11. In view of the above, the claimant are entitled to compensation under various heads as under:

| Sl.No. | Heads              | Amount in (Rs.)    |
|--------|--------------------|--------------------|
| 01.    | Loss of dependency | 12,87,036/-        |
| 02.    | Loss of consortium | 1,32,000/-         |
| 03.    | Loss of estate     | 16,500/-           |
| 04.    | Funeral expenses   | 16,500/-           |
|        | <b>Total</b>       | <b>14,52,036/-</b> |

12. Considering the above aspects, the claimants are entitled to total compensation of Rs.14,52,036/- as against Rs.11,75,400/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimants are entitled to enhanced compensation of Rs.2,76,636/- with interest @ 6% p.a. from the date of petition till realization. Claimants are not entitled to interest for the delay period of 567 days in filing the appeal as per order dated 05.08.2026 passed on I.A.No.1/2026. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.



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13. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellants/claimants are entitled to enhanced compensation of Rs.2,76,636/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) The appellants/claimants are not entitled to interest for the delay period of 567 days in filing the appeal.
- v) The entire enhanced compensation shall be released to claimant No.1.

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

DKB  
List No.: 2 SI No.: 48  
Ct.sm