



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 683 OF 2026 (MV-D)

BETWEEN:

THE MANAGER
MAGMA HDI GENERAL INSURANCE CO. LTD.,
NO.36, H.M. ASTRID, 2ND FLOOR, J.C. ROAD,
MINERVA CIRCLE, BENGALURU-560 002
NOW CHANGED AS
MAGMA GENERAL INSURANCE LTD.,
NO.36, H.M. ASTRID, 2NDFLOOR, J.C. ROAD,
MINERVA CIRCLE, BENGALURU-560 002

...APPELLANT

(BY SRI. A.N KRISHNA SWAMY, ADVOCATE)

AND:

1. NILIMA DILIP HALDAR @ NILIMA KRISHNA ROY
W/O LATE KRISHNA BRITISH ROY
D/O DILIP HALDAR
AGED ABOUT 24 YEARS.
2. VITISH DASHRATH ROY @ BRITISH ROY
@BRITISH DASHARATH ROY
S/O DITISH CHANDRAKUMAR ROY
AGED ABOUT 67 YEARS.
3. JOSNA BRITISH ROY
W/O BRITISH ROY

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 66 YEARS
ALL ARE RESIDING AT
SHRINAGAR POST,
KHUDIRAMPALLI,
MULCHERA, GADCHIROLI,
MAHARASHTRA-442 707

4. P. RAVI
S/O PUTTARAMEGOWDA
SAMPAMMA BUILDING,
MAHALAKSHMI HOSPITAL BACKSIDE,
BANAHALLI ROAD,
CHANDAPURA, ANEKAL,
BANGALORE-560 099

...RESPONDENTS

(BY SRI. JAGADISH G KUMBAR, ADVOCATE FOR R1-R3,
VIDE COURT ORDER DATED 31/01/2026, NOTICE TO R4
IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 18.11.2025 PASSED IN MVC
NO. 8249/2024 ON THE FILE OF THE IX ADDITIONAL SMALL
CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7,
BENGALURU (SCCH-7), AWARDING COMPENSATION OF RS.
56,08,848/- WITH INTEREST AT 6 PERCENT P.A. FROM THE
DATE OF PETITION TILL REALIZATION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

1. The insurer is before this Court under Section 173 (1) of Motor Vehicles Act, 1988, questioning the quantum of compensation awarded under the judgment and award dated 18.11.2025 in M.V.C.No.8249/2024 on the file of IX Addl. Small Causes and MACT, Bengaluru, (for short 'the Tribunal').

2. Brief facts of the case are that, the wife and children of deceased-Krishna British Roy filed claim petition under Section 166 of Motor Vehicles Act, claiming compensation for the accidental death of said Krishna British Roy in a road traffic accident that took place on 19.10.2024 involving Honda Activa scooter bearing Reg.No.KA-51/JB-2483 and another motorcycle bearing Reg.No.KA-59/J-4993. It is stated that the deceased was aged 30 years and earning a sum of Rs.30,000/- per month.

3. On appearance of respondent No.2-appellant herein, filed its written statement admitting the policy in respect of offending vehicle, however, denied other claim petition averments. It is also stated that the claimants have



failed to furnish the particulars of the vehicle including the driving license of the rider of the offending vehicle. It is also contended that the rider of the offending vehicle was not possessing driving license as on the date of accident and as such, Insurance Company is not liable to pay any compensation. The Tribunal, on appreciation of the material on record, has awarded total compensation of Rs.56,08,848/- under the following heads:

Sl.No.	Compensation under different heads	Amount in (Rs)
1.	Loss of dependency	51,02,856
2.	Funeral expenses	19,000
3.	Loss of estate	19,000
4.	Loss of filial consortium	1,51,992
5.	Loss of love and affection	1,50,000
6.	Hospital and medical expenses	1,66,000
TOTAL		56,08,848

4. While awarding the above compensation, the Tribunal assessed the income of the deceased at Rs.26,800/- placing reliance on Ex.P27-salary slip, adopted multiplier of '17' and deducted 1/3rd towards the personal expenses of the deceased. The insurer is in appeal questioning the quantum of compensation awarded by the Tribunal.



5. Heard learned counsel Sri A.N.Krishna Swamy for the appellant and learned counsel Sri Jagadish G. Kumbar for respondent Nos.1 to 3. Perused the entire appeal papers.

6. Learned counsel Sri A.N.Krishna Swamy for the appellant-insurer presses into service two contentions; firstly, multiplier adopted by the Tribunal is not proper, as the deceased has crossed the age of 30 years, the appropriate multiplier ought to be '16'. Secondly, learned counsel for the appellant contended that the Tribunal committed an error in awarding compensation at the rate of Rs.1,51,992/- under the head of filial consortium and a sum of Rs.1,50,000/- under the head of loss of love and affection. Learned counsel would submit that in terms of the decision of the Hon'ble Apex Court in ***Magma General Insurance Company Limited Vs. Nanu Ram - 2018 ACJ 2782***, the claimants would be entitled for consortium of Rs.40,000/- with enhancement under the head of consortium and they would not be entitled for compensation both under the head of consortium and loss of love and affection. Thus, he would pray for allowing the appeal and to reduce the quantum of compensation.



7. *Per contra*, learned counsel Sri Jagadish G. Kumbar for respondents would support the judgment and award passed by the Tribunal by submitting that since the deceased had not attained the age of 31 years, the multiplier applied by the Tribunal at '17' is proper and correct. However, learned counsel would submit that the claimants have lost love and affection of the husband and father respectively, as such, the Tribunal is justified in awarding compensation under both the head of consortium and loss of love and affection.

8. On hearing the learned counsel for the parties and on perusal of the entire material on record, the only point which falls for consideration is as to whether the impugned judgment and award requires any interference?

9. Answer to the above point would be partly in the affirmative for the following reasons:

The accident that occurred on 19.10.2024 involving Honda Activa scooter bearing Reg.No.KA-51/JB-2483 and another motorcycle bearing Reg.No.KA-59/J-4993 and the death of husband of the first claimant is not in dispute in this



appeal. The insurer is in appeal, questioning only quantum of compensation awarded by the Tribunal.

10. Learned counsel for the appellant contended that the Tribunal committed a grave error in applying the multiplier of '17' as the deceased had crossed 30 years of age and according to the learned counsel for the appellant, appropriate multiplier ought to be '16'. It is difficult to accept the above contention of the appellant. The multiplier of '17' would be adopted if the deceased is aged between 25 to 30 years and multiplier '16' would be adopted if the deceased was aged between 31 to 35 years. In the instant case, the deceased had crossed 30 years but had not attained the age of 31 years. Therefore, the Tribunal is justified in adopting the appropriate multiplier of '17'. The above view is supported by the recent decision of the Hon'ble Apex Court reported in **2026 ACJ 532** in the case of **SAMSUN BEE AND OTHERS v/s UNITED INDIA INSURANCE CO. LTD. AND OTHERS**. In the said case also deceased was age 45 years 3 months, as such, it was contended that the multiplier '13' is to be adopted and not multiplier '14'. Refuting the said contention, the Hon'ble Apex



Court categorically stated that though the deceased had crossed 45 years of age, he had not attained the age of 46 years, held that the multiplier adopted at '14' is proper.

Relevant paragraphs 9 and 10 reads as follows:

*"9. On the aspect of multiplier, both the Tribunal and the High Court applied it to be 13. As already observed supra the age was determined as 45 years and 3 months on the basis of marksheet. The question that arises is whether the multiplier to be applied will be 13 or 14, given the categorisation made in **Sarla Verma (Supra)**. The same is reproduced as under for reference, as approved in **Pranay Sethi (Supra)**:*

"42. As far as the multiplier is concerned, the Claims Tribunal and the courts shall be guided by Step 2 that finds place in para 9 of Sarla Verma read with para 21 of the said judgment. For the sake of completeness, para 21 is extracted below :

(21). We, therefore, hold that the multiplier to be used should be as mentioned in Column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is, M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."



As can be seen from the above the multiplier of 14 is to be applied when the age of the deceased person is falls within 41 to 45 and multiplier of 13 is to be applied when the age of the deceased person is between 46 and 50. In this case, the age is categorically recorded as been 45 years and 3 months. The question then is whether the higher multiplier would continue to apply till the person has clearly entered into the next age bracket i.e., 46 to 50 or, would the lower multiplier be applied immediately after the day, that the deceased person crosses the threshold of 45 for instance as in the present case. In our considered view, the former is the correct approach. We say so for the reason that, in general parlance when age is described or discussed, the higher number is addressed only when the person attains that particular age. That apart, legally speaking the age is a crucial aspect that has to be taken into account when the Tribunal or higher appellate authorities are tasked with determining the possibilities of future earning of the deceased person. The higher the age the lesser the multiplier. Therefore, keeping in view the overarching principle of just and fair compensation which is to inform each and every computation, application of a lower multiplier right at the higher threshold of the previous one, it has to be held the same would be impermissible. In other words, the high limit of the previous multiplier would be inclusive of the 12 months' time, till the age of the deceased person is squarely within the lower limit of the next bracket. To illustrate, in case where the age of the deceased person or injured person, is 35 years 11 months, then the multiplier of 16 would apply, instead of 15. The later would only apply once the injured/deceased has positively crossed the



age of 36 years, for example if he was aged 36 years and 3 days.

10. This view would further the (sic) object and purpose of Motor Vehicle Act which is undoubtedly a beneficial legislation. In **K.H. Nazar v. Mathew K. Jacob (2020) 14 SCC 126**, the law was succinctly stated as follows:

"11. Provisions of a beneficial legislation have to be construed with a purpose-oriented approach. [Kerala Fishermen's Welfare Fund Board v. Fancy Food, (1995) 4 SCC 341]. The Act should receive a liberal construction to promote its objects. [Bombay Anand Bhavan Restaurant v. ESI Corpn., (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573 and Union of India v. Prabhakaran Vijaya Kumar, (2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813] Also, literal construction of the provisions of a beneficial legislation has to be avoided. It is the court's duty to discern the intention of the legislature in making the law. Once such an intention is ascertained, the statute should receive a purposeful or functional interpretation [Bharat Singh v. New Delhi Tuberculosis Centre, (1986) 2 SCC 614 : 1986 SCC (L&S) 335]. ...

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xxx

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(13) While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified and then a construction that suppresses the problem and advances the remedy should be adopted. [Indian Performing Rights Society Ltd. v. Sanjay Dalia, (2015) 10 SCC 161 : (2016) 1 SCC (Civ) 55] It is settled law that exemption clauses in beneficial or social welfare legislations should be given strict construction [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC



588] . It was observed in Shivram A. Shiroor v. Radhabai Shantram Kowshik [Shivram A. Shiroor v. Radhabai Shantram Kowshik, (1984) 1 SCC 588] that the exclusionary provisions in a beneficial legislation should be construed strictly so as to give a wide amplitude to the principal object of the legislation and to prevent its evasion on deceptive grounds. Similarly, in Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council [Minister Administering the Crown Lands Act v. NSW Aboriginal Land Council, 2008 HCA 48 : (2008) 237 CLR 285] , Kirby, J. held that the principle of providing purposive construction to beneficial legislations mandates that exceptions in such legislations should be construed narrowly."

11. Nextly, learned counsel for the appellant contended that the Tribunal committed an error in awarding compensation of Rs.1,51,992/- under the head loss of filial consortium and a sum of Rs.1,50,000/- under the head loss of love and affection. In terms of **MAGMA GENERAL INSURANCE COMPANY LIMITED (supra)** the claimants would be entitled for compensation on the head of filial consortium and parental consortium respectively. When the compensation on the head of consortium is awarded, again it is impermissible to award compensation under the head love and affection. Thus, we hold that the claimants would not be entitled for compensation on the head of loss of love and affection and accordingly, the



compensation awarded under the head loss of love and affection at Rs.1,50,000/- is liable to be set aside. In view of setting aside, the compensation awarded on the head of loss of love and affection, the claimants would be entitled for the following modified compensation:

Sl.No.	Compensation under different heads	Amount in (Rs)
1.	Loss of dependency	51,02,856
2.	Funeral expenses	19,000
3.	Loss of estate	19,000
4.	Loss of filial consortium	1,51,992
5.	Hospital and medical expenses	1,66,000
	TOTAL	54,58,848

12. Accordingly, we pass the following order:

The appeal is ***allowed-in-part***. The impugned judgment and award dated 18.11.2025 in M.V.C.No.8249/2024 on the file of IX Additional Small Causes and MACT, Bengaluru is hereby modified and the claimants are entitled to total compensation of ***Rs.54,58,848/-*** as against Rs.56,08,848/- awarded by the Tribunal, with interest at the rate of 6% p.a.



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The apportionment and deposit as ordered by the Tribunal is not disturbed. Further, the amount in deposit before this Court be transmitted to the Tribunal.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 8