



CNR: KAHC010073092023

NC: 2026:KHC:43758
MFA No. 997 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 997 OF 2023 (MV-D)

BETWEEN:

1. LASKHMIDEVI,
W/O LATE THIRUMALASHETTY,
AGED ABOUT 52 YEARS,
2. GOVINDARAJU,
S/O LATE THIRUMALASHETTY,
AGED ABOUT 38 YEARS,
3. RANGANATH,
S/O LATE THIRUMALASHETTY,
AGED ABOUT 34 YEARS,

ALL ARE R/AT MAVINAHALLI HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 201.

...APPELLANTS

(BY SRI. KAVITHA H C., ADVOCATE)

AND:

1. SHIVAKUMAR H.S.,
S/O H.T. SRINIVAS,
R/O HADDEGERE VILLAGE,
YADIYURU HOBLI,
KUNIGAL TALUK,
TUMKUR DISTRICT - 572 101.



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2. R.S. TRAVELS,
NO.11/7, 8TH CROSS,
G.R. LAYOUT,
5TH PHASE, J.P. NAGAR,
BANGALORE - 560 078.
REP BY PROPRIETOR.

3. THE MANAGER UNITED
INDIA INSURANCE COMPANY LIMITED.,
1ST FLOOR, MADHU COMPLEX,
MYSORE ROAD,
CHANNARAYAPATANA TOWN,
HASSAN DISTRICT - 573 201.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R3,
VIDE ORDER DATED 06.07.2026 NOTICE TO R1 AND R2
ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:07.11.2022 PASSED IN MVC NO. 1004/2021 ON THE
FILE OF THE IV ADDITIONAL DISTRICT AND SESSIONS
JUDGE, HASSAN (SIT AT CHANNARAYAPATNA), 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 T.M.NADAF



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ORAL JUDGMENT

This appeal is by claimants seeking enhancement of compensation arising out of judgment and award dated 07.11.2022, in MVC.No.1004/2021 passed by the IV Additional District and Sessions Judge, Hassan, sitting at Channarayapatna¹.

2. The parties are referred to as per their ranking before the Tribunal.

3. Heard Sri.Mahesh.A.M, learned counsel for Smt.Kavitha.H.C, learned counsel for the appellants/claimants and Sri.B.C.Shivanne Gowda, learned counsel for respondent No.3-Insurer. Vide order dated 06.07.2026, notice of this appeal is dispensed with in respect of respondent Nos.1 and 2.

4. Sri.Mahesh.A.M, argued this matter only on two points; first, is the deceased a septuagenarian succumbed

¹ "Tribunal" for short



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to the injuries in the unfortunate accident, survived by his wife and two major children. The Tribunal has considered the personal expenses towards deceased at 50% instead of $1/3^{\text{rd}}$. He further submits that in view of settled position of law, the claimants are also entitled for 10% escalation on two terms of three completed years, on the compensation awarded under the convention head, as, the accident occurred on 05.10.2020 and sought all allow the appeal.

5. Though Sri.B.C.Shivanne Gowda, argued in support of the judgment and award passed by the Tribunal, but he is not in serious dispute with the settled position of law towards deduction towards personal expenses in case of married person. He further submits that they are entitled for 10% escalation for one completed three years as the accident occurred on 05.10.2020 and the second term of three years is yet to be completed.



6. Having considered the rival submissions, this Court taking into consideration of the fact that the deceased was an agriculturist and the year of accident admittedly is 2020. In the absence of any income proof, the Tribunal has taken the income fixed under the chart prepared by the Karnataka State Legal Services Authority for the year 2020 at Rs.14,500/- p.m. Though the date of accident was 05.10.2020, the third year is yet to be completed for granting another 10% escalation on the conventional head, in view of the fact that deceased was an agriculturalist and met with an unfortunate accident and succumbed to the injuries leaving behind the claimants, this Court is of the opinion that if two terms, are considered towards escalation of compensation awarded under conventional heads, the same would meet ends of justice. This Court finds force in the argument advanced by Sri.Mahesh, learned counsel that the Tribunal erred in deducting 50% instead of $1/3^{\text{rd}}$ towards personal expenses.



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7. Accordingly, this Court proceed to reassess the compensation awarded by the Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	4,35,000-00	5,80,000-00 (14,500x12x5x2/3)
2.	Love and affection and filial consortium	1,20,000-00	1,20,000-00
3.	Loss of estate	15,000-00	15,000-00
4.	Transportation of dead body and funeral expenses	15,000-00	15,000-00
5.	20% escalation on two terms of three completed years.	-	30,000-00
	TOTAL	5,85,000-00	7,60,000-00

8. The claimants are entitled for enhanced compensation of **Rs.1,75,000/-** (Rs.7,60,00-Rs.5,85,000) with interest at the rate 6% interest per annum from the date of petition till realization.

9. For the foregoing reasons, this Court proceedings pass the following:



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ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 07.11.2022 passed by the Tribunal in MVC.No.1004/2021 is modified and enhanced to **Rs.1,75,000/-** with interest at the rate of 6% per annum from the date of petition till realization.
- (iii) Respondent No.3-Insurer shall deposit the entire enhanced compensation along with accrued interest stated supra within six weeks from the date of receipt of copy of this order before the concerned Tribunal.
- (iv) Upon deposit the entire amount is ordered to be released in favour of the appellant/claimant No.1 (wife) on proper identification.



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(v) The Registry to send back the trial Court record to the concerned Tribunal, without causing any delay.

(vi) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 1 Sl No.: 8
ct-vn