



CNR: KAHC010078232025

NC: 2026:KHC:48020
MFA No. 930 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 930 OF 2025 (MV-D)

BETWEEN:

1. SMT. B.N. BHAGYAMMA
W/O LATE S.V.RAMACHANDRA,
NOW AGED ABOUT 49 YEARS,
2. SRI. PUNITH KUMAR S.R.
S/O LATE S.V.RAMACHANDRA,
NOW AGED ABOUT 23 YEARS,
3. KUM. PALLAVI R.
S/O LATE S.V.RAMACHANDRA,
NOW AGED ABOUT 19 YEARS,

ALL ARE RESIDING AT
SETTIHALLI VILLAGE,
MEDIHALA POST,
KOLAR TALUK AND DISTRICT.

...APPELLANTS

(BY SRI. GOPALAKRISHNA N., ADVOCATE FOR
SMT. SUSHMITHA G., ADVOCATE)

AND:

1. THE CHIEF ADMINISTRATIVE OFFICER
KARNATAKA HEALTH DEVELOPMENT AND
REFORMS PROJECT,
1ST FLOOR, PUBLIC HEALTH INSTITUTE BUILDING,
SHESHADRI ROAD, K.R. CIRCLE,
BANGALORE - 560 001.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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2. THE EXECUTIVE ENGINEER
HEALTH AND FAMILY WELFARE SERVICES DIVISION,
NO.5479, SHESHADRI ROAD,
BANGALORE - 560 001,
REP. BY ITS MANAGER.
3. KARNATAKA GOVERNMENT
INSURANCE DEPARTMENT
MOTOR BRANCH, AMBEDKAR VEEDHI,
BANGALORE - 560 001,
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SMT. AMARAVATHY H.R., AGA FOR R3;
VIDE ORDER DATED 24.04.2026, NOTICE TO R1 AND R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 09.01.2024 PASSED IN MVC
NO.4737/2020 ON THE FILE OF THE XXIII ADDITIONAL SMALL
CAUSES JUDGE, MACT, BENGALURU, (SCCH-25), 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 claimants seeking
enhancement of compensation awarded in the Judgment
and Award dated 09.01.2024 passed in MVC



No.4737/2020 by XXIII Additional Small Causes Judge and MACT, Bengaluru (SCCH-25).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellants and learned Additional Government Advocate for respondent No.3, the matter is taken up for disposal.

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of S.V.Ramachandra in a road traffic accident occurred on 25.09.2020 contending that the accident occurred due to rash and negligent driving by the driver of Chevrolet Tavera Car bearing registration No.KA-01-G-4676.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:



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Sl. No.	Particulars	Amount
1.	Loss of dependency and future prospects	Rs. 18,39,288/-
2.	Loss of consortium	Rs. 1,20,000/-
3.	Transportation and funeral expenses	Rs. 20,000/-
4.	Loss of estate	Rs. 20,000/-
	Total	Rs. 19,99,288/-
	Total rounded off	Rs. 20,00,000/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.3 to pay the compensation awarded with interest. The claimants have filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellants and learned Additional Government Advocate for respondent No.3.

7. Learned counsel for the appellant would contend that, the deceased was owning agricultural land and RTCs' have been produced at Ex.P10. Considering the



same, as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2020 in a sum of Rs.14,000/- and the said income is to be taken as against Rs.11,500/- taken by the Tribunal. The deceased apart from agriculture, was doing Grama Vidhuth Prathinidhi (GVP) from the year 2016 and earlier he was getting Rs.7,500/- and subsequently as per the order of the Hon'ble High Court in Writ Petition, it has been increased and he has been paid arrears and Ex.P13 indicates the payment of arrears to the deceased. Therefore, the income of the deceased is to be taken at Rs.28,000/- (Rs.14,000/- + Rs.14,000/-) as against Rs.19,000/- taken by the Tribunal. The Tribunal has rightly added 10% towards future prospects, deducted 1/3rd towards personal expenses of the deceased and applied multiplier '11'. He further submits that, the Tribunal has not considered escalation at 10% on consortium. With these, he prayed to allow the appeal.



8. Learned Additional Government Advocate for respondent No.3 would contend that, the Tribunal considered the evidence of P.W.2 has rightly taken the income of the deceased at Rs.7,500/- from his work as Grama Vidhuth Prathinidhi (GVP) and Rs.11,500/- which is minimum wages for agricultural work. The Tribunal has rightly awarded compensation under all heads. The Tribunal has rightly held that claimant No.1 - wife of the deceased was a Teacher and getting the income and she is not dependant of the deceased and rightly awarded the compensation to claimant Nos.2 and 3 - children who are dependant on the deceased. With these, she prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellants/claimants and learned Additional Government Advocate for respondent No.3, the Court has perused the impugned Judgment, Award and Trial Court records.



10. The accident occurred on 25.09.2020 and the deceased was aged fifty three (53) years as on the date of accident. Considering the said aspect, the Tribunal has rightly taken multiplier '11' and added 10% future prospects.

11. The deceased was doing agricultural work and Ex.P10 - RTCs' indicates that several agricultural properties are standing in his name. Even though no evidence is produced to indicate what was his income from agriculture, the notional income fixed for the year 2020 by the Karnataka State Legal Services Authority is Rs.14,000/- and the said income is to be taken as against Rs.11,500/- taken by the Tribunal. The deceased apart from doing agricultural work, he was also working as Grama Vidhuth Prathinidhi (GVP) and he was getting earlier Rs.7,500/- and subsequently, the same was increased to Rs.14,000/- and arrears has been paid and the payment of arrears has been indicated in Ex.P13. Therefore, the income of the deceased from his work as



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Grama Vidhuth Prathinidhi (GVP) is to be taken at Rs.14,000/- per month. Therefore, the income of the deceased is Rs.28,000/- (Rs.14,000/- + Rs.14,000/-). The Tribunal has rightly added 10% future prospects, deducted 1/3rd towards personal expenses of the deceased and added multiplier '11'. In view of the same, loss of dependency is calculated as under:

$$\begin{aligned} & \text{Rs.28,000/-} + 10\% (\text{Rs.2,800/-}) = \text{Rs.30,800/-} \times 12 \\ & = \text{Rs.3,69,600/-} - 1/3\text{rd} = \text{Rs.2,46,400/-} \times 11 = \\ & \text{Rs.27,10,400/-} \end{aligned}$$

12. The Tribunal has awarded consortium in a sum of Rs.1,20,000/-. The claimants are wife and two children of the deceased. The claimants are entitled to consortium in a sum of Rs.40,000/- each with 10% escalation i.e., Rs.1,32,000/- (Rs.44,000/- X 3). The Tribunal has awarded funeral expenses and transportation of dead body in a sum of Rs.20,000/- and loss of estate in a sum of Rs.20,000/-. The claimants are entitled to funeral expenses and transportation of dead body in a sum of



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Rs.16,500/- and loss of estate in a sum of Rs.16,500/- as against Rs.20,000/- awarded by the Tribunal on each heads.

13. Considering all the above aspects, the claimants are entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 27,10,400/-
2.	Loss of consortium	Rs. 1,32,000/-
3.	Loss of estate	Rs. 16,500/-
4.	Funeral expenses and transportation of dead body	Rs. 16,500/-
	Total	Rs. 28,75,400/-

14. The claimants are entitled to total compensation of Rs.28,75,400/- as against Rs.20,00,000/- awarded by the Tribunal with interest.

15. Consequently, the claimants are entitled to enhanced compensation of Rs.8,75,400/- (Rs.28,75,400/- - Rs.20,00,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.



16. Respondent No.3 is liable to pay the said enhanced compensation amount with interest.

17. The claimants are not entitled to interest for the delay period of 290 days in filing the appeal.

18. The Tribunal has rightly held that claimant No.1 - wife is not dependant of the deceased. Therefore, she is entitled to consortium and claimant Nos.2 and 3 are entitled to enhanced compensation amount except enhanced consortium awarded to the claimant No.1 of Rs.4,000/-.

19. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellants/claimants are entitled to enhanced compensation of Rs.8,75,400/- with interest at the rate of 6% per annum from the date of petition till realisation.*



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- iii) Respondent No.3 shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) The claimants are not entitled to interest for the delay period of 290 days in filing the appeal.*
- v) Claimant No.1 is entitled to release of Rs.4,000/- out of the enhanced compensation and remaining enhanced compensation shall be paid to claimant Nos.2 and 3 in equal share.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 2 Sl No.: 49