



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 1067 OF 2024 (MV-D)

BETWEEN:

THE DIVISIONAL MANAGER,
RELIANCE GENERAL INSURANCE
COMPANY LIMITED,
DIVISIONAL OFFICE,
MAXIMAS COMMERCIAL COMPLEX,
4TH FLOOR, LIGHT HOUSE,
HILL ROAD, OPP. KMC COLLEGE,
MANGALORE, D.K.

ALSO AT RELIANCE GENERAL
INSURANCE COMPANY LIMITED,
NO.28, EAST WING, 5TH FLOOR,
CENTENARY BUILDING, M.G. ROAD,
BENGALURU - 560 001.
NOW REPRESENTED BY
MANAGER, LEGAL.

...APPELLANT

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

(BY SMT. MALATHI T.N., ADVOCATE)

AND:

1. SRI. M. VELUSAMY
S/O M.S. MUTTUSWAMY,
AGED ABOUT 54 YEARS,

(Deleted as per the order of the court)

(The I respondent father of the deceased informed to be dead and his wife Smt. V. Indira is already on record as II respondent. Hence, the I respondent Sri. M. Veluswamy is prayed to



be deleted by filing a memo. Accordingly the Hon'ble Court has passed order deleting the I respondent)

2. SMT. V. INDIRA
W/O M. VELUSWAMY,
AGED ABOUT 52 YEARS,
RESIDING AT NO.61/1,
ARURU VILLAGE,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA DISTRICT.
3. SRI. AMIRHUSSAIN MALEK
S/O JUMABHAI,
RESIDING AT N.R. PASAYA,
DAMNANI MATLITAL, JAMNAGAR,
GUJARATH - 361 013.

...RESPONDENTS

(BY SRI. GOPAL KRISHNA N., ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 26.10.2023 PASSED IN MVC NO.1946/2022 ON THE FILE OF THE VIII ADDITIONAL SMALL CAUSES JUDGE AND ACMM, MEMBER, MACT, BENGALURU (SCCH-5), AWARDING COMPENSATION OF RS.24,25,736/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL ITS REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the insurer challenging the quantum of compensation awarded in the Judgment and



Award dated 26.10.2023 passed in MVC No.1946/2022 by VIII Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-5).

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for appellant and the learned counsel for respondent No.2, the matter is taken up for disposal.

3. The claimants had filed a claim petition praying for compensation for the death of V. Praveen Raj (son of claimants) in a road traffic accident which took place on 11.10.2021 contending that the accident occurred due to rash and negligent driving by the driver of truck bearing registration No.GJ-10-TX-6424.

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:



Sl.No.	Head of compensation	Amount/Rs.
1.	Loss of dependency	23,15,736-00
2.	Loss of filial consortium (Rs.40,000/- each to petitioner No.1 and 2)	80,000-00
3.	Loss of Estate	15,000-00
4.	Funeral Expenses	15,000-00
	Total	24,25,736-00

5. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed the appellant/insurer to pay the compensation amount with interest.

6. Aggrieved by the quantum of compensation awarded by the Tribunal, the insurer has preferred the present appeal.

7. Heard the learned counsel for appellant/insurer and learned counsel for respondent No.2.

8. Learned counsel for the appellant/insurer would contend that, the Tribunal has taken the monthly income of the deceased at Rs.15,316/-, as per the chart prepared by the Karnataka State Legal Services Authority, the



notional income fixed for the year 2021 is Rs.15,000/- and the said income is to be taken. Learned counsel for the appellant/insurer is not challenging the compensation awarded under other heads. With these, she prayed to allow the appeal.

9. Learned counsel for respondent No.2 would contend that, the compensation awarded and income taken by the Tribunal is just and proper. With these, he prayed for dismissal of the appeal.

10. Having heard both the learned counsels appearing for the parties, the Court has perused the impugned judgment and award.

11. The accident occurred in the year 2021, the notional income fixed for the said year is Rs.15,000/- per month as per the chart prepared by Karnataka State Legal Services Authority. Considering the said aspect, the notional income taken by the Tribunal is at Rs.15,316/- is on higher side. Therefore, the notional income of the



deceased is to be taken at Rs.15,000/- per month. Considering the same, the loss of dependency is calculated as under:

$$15,000 + 40\% (6,000) = 21,000 \times 50\% = 10,500 \times 12 = 1,26,000 \times 18 = 22,68,000/-$$

12. The Tribunal has awarded consortium in a sum of Rs.40,000/- each to claimant Nos.1 and 2 in a sum of Rs.80,000/-. The accident occurred in the year 2021, the escalation at 10% is to be calculated on the consortium since the accident occurred after three years from 2017 as per decision in the case of **NATIONAL INSURANCE COMPANY vs. PRANAY SETHI AND OTHERS** reported in **AIR 2017 SC 5157**. In view of the same, the claimants are entitled to loss of consortium of Rs.44,000/- each i.e., Rs.88,000/-.

13. Even in the loss of estate and funeral expenses is to be considered by adding escalation at 10%. Considering the same, the claimants are entitled to loss of estate is Rs.16,500/- and funeral expenses is Rs.16,500/-.



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

1.	Loss of dependency	Rs.	22,68,000-00
2.	Loss of consortium	Rs.	88,000-00
3.	Loss of estate	Rs.	16,500-00
4.	Funeral expenses	Rs.	16,500-00
	Total	Rs.	23,89,000-00

15. The claimants are entitled to total compensation of Rs.23,89,000/- as against Rs.24,25,736/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

16. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The claimants are entitled to total compensation of Rs.23,89,000/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *The appellant/insurer shall deposit the entire compensation amount (excluding the*



amount already deposited) with interest before the Tribunal within a period of six weeks from this day.

- iv) The amount deposited by the appellant/insurer is ordered to be transmitted to the Tribunal.*
- v) In view of the death of claimant No.1, claimant No.2 is entitled to entire compensation amount with interest and the entire compensation amount shall be released to claimant No.2.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE