



CNR: KAHC010099172025

NC: 2026:KHC:46667
MFA No. 1110 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 1110 OF 2025 (MV-D)

BETWEEN:

1. SMT. AKTHAR BANU
W/O. NAZEER AHMED,
AGED ABOUT 38 YEARS
2. SRI. NAZEER AHMED
S/O LATE ABDUL BAYER
AGED ABOUT 60 YEARS
BOTH ARE R/AT NO. 18/1,
HESARAGHATTA MAIN ROAD,
BEHIND RAILWAY TRACK,
BROTHERS COLONY, CHIKKABANAVARA,
BENGALURU - 560 090.

...APPELLANTS

(BY SRI. KAILAS SHANKAR P.S, ADVOCATE)

AND:

1. THE UNITED INDIA INS.CO.LTD.,
5TH FLOOR, KRUSHI BHAVAN,
NRUPATHUNGA ROAD,
BANGALORE - 560 001,
BY ITS REGIONAL MANAGER.
2. MR. NABEEL MUSTHAFA,
S/O. MUSTHAFA M., MAJOR,

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



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R/AT NASEEMA MAHAL,
POYANAD P.O.,
MAMBARAM VIA PINARAY, THALASSERY,
KANNUR DIST., KERALA - 670 741

...RESPONDENTS

(BY SRI. VRUSHABHENDRIAH H.C, ADVOCATE FOR R1;
VIDE ORDER DATED 28.08.2026, NOTICE TO R2
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 25.11.2023 PASSED IN MVC
NO.4020/2021 ON THE FILE OF THE XX ADDITIONAL SMALL
CAUSES JUDGE AND A.C.M.M, MACT, BENGALURU (SCCH-22),
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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 claimants seeking enhancement
of compensation awarded in the judgment and award dated
25.11.2023 passed in MVC No.4020/2021 by XX Additional
Small Causes Judge and Additional Chief Metropolitan
Magistrate and MACT, Bengaluru (SCCH-22).



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2. Even though the appeal is listed today for orders, it is taken up for disposal with the consent of learned counsel for appellants and learned counsel for respondent No.1/Insurer.

3. The appellants/claimants made a claim petition praying to award compensation for the death of Master Suhail Pasha @ Siddiq in a road traffic accident occurred on 03.08.2021 contending that the accident occurred due to rash and negligent driving of the rider of a Bullet bearing registration No.KL-58-W-9995. The claimants are the parents of the deceased.

4. The Tribunal after recording evidence and appreciating the evidence on record, has assessed the compensation and awarded compensation of Rs.5,50,000/- with interest at the rate of 6% per annum from the date of petition till realisation and directed respondent Nos.1 and 2 to deposit the award amount with interest. The claimants seeking enhancement of the said compensation awarded by the tribunal have filed the present appeal.



5. Heard the arguments of the learned counsel for the appellants and learned counsel for respondent No.1/ Insurer.

6. Learned counsel for appellants would contend that the deceased is aged 12 years and is the son of the claimants and as per the decision of Hon'ble Apex Court in the case of **Gayatree Pattnaik -vs- Arundhati Sahoo and another, 2026 INSC 785**, loss of dependency is to be awarded by taking notional income. He further submitted that the claimants being parents are also entitled to parental consortium, funeral expenses and loss of estate. With this he prayed for allowing the appeal.

7. Learned counsel for respondent No.1/Insurer would contend that the compensation awarded by the tribunal is just and proper and there are no grounds for enhancement.

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

9. The accident occurred on 03.08.2021 and as on the date of accident the deceased was aged 12 years, the claimants are parents of the deceased as per the decision of Gayatree



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Pattnaik *supra* the loss of dependency has to be awarded by taking notional income applying multiplier, deducting 50% towards personal expenses and adding 40% towards future prospects. The notional income for the year 2021 is Rs.15,000/-. The deceased is aged 12 years (below 15) the multiplier applicable is '15' as per the decision of Hon'ble Apex Court in the case of **Reshma Kumari and others -vs- Madan Mohan and another 2013 Volume 9 SCC Page 65.**

10. In view of the above, loss of dependency is calculated as under.

$$\begin{aligned} \text{Rs.15,000} \times (40\%) &= 6000 + 15,000 = 21,000 - 1/2 \\ &= 10,500 \times 12 \times 15 = 18,90,000/- \end{aligned}$$

11. The claimants being the parents of the deceased, they are entitled to parental consortium in a sum of Rs.40,000/- with 10% escalation that is $\text{Rs.44,000} \times 2 = 88,000/-$

12. The claimants are also entitled for funeral expenses of Rs.16,500/- and loss of estate of Rs.16,500/-.



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13. In view of the above, the claimants are entitled to total compensation under various heads as under:-

Sl. No.	Heads	Amount
1	Loss of dependency	18,90,000.00
2	Loss of consortium	88,000.00
3	Funeral expenses	16,500.00
4	Loss of estate	16,500.00
	Total	20,11,000.00

14. In which claimants are entitled to total compensation of Rs.20,11,000/- as against Rs.5,50,000/- awarded by the tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.14,61,000/- with interest at the rate of 6% per annum from the date of petition till realisation.

15. Respondent No.1/Insurer is liable to pay the said enhanced compensation with interest.

16. In view of the above, the following:-



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ORDER

- i. The appeal is allowed in part.
- ii. The appellants/claimants are entitled to enhanced compensation of Rs.14,61,000/- with interest at the rate of 6% per annum from the date of petition till realisation.
- iii. The claimants are not entitled to interest for the delay period of 429 days in filing the appeal as per order dated 28.08.2026 passed on I.A No.1/2025.
- iv. Respondent No.1/Insurer shall deposit the enhanced compensation with interest before the tribunal within a period of six weeks from this day.
- v. The claimants are entitled to release of the entire enhanced compensation amount in equal share.

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

VS
List No.: 1 Sl No.: 1