



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF JULY, 2026**

**PRESENT**

**HON'BLE MR. JUSTICE JAYANT BANERJI**

**AND**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**MISCELLANEOUS FIRST APPEAL NO.2862 OF 2019**  
**(MV-D)**

**BETWEEN:**

1. SMT. MYNAVATHI  
W/O LATE CHANDRASHEKAR  
AGED ABOUT 31 YEARS,
2. SMT. PRIYANKA  
D/O LATE CHANDRASHEKAR  
AGED ABOUT 10 YEARS,
3. MASTER MANJU  
S/O LATE CHANDRASHEKAR  
AGED ABOUT 8 YEARS
4. SRI. AMASEGOWDA  
S/O THIMME GOWDA  
AGED ABOUT 74 YEARS
5. SMT. GOWRAMMA  
W/O AMASEGOWDA  
AGED ABOUT 67 YEARS

ALL ARE RESIDING AT  
KADABAHALLY VILLAGE  
BINDINGANAVILE HOBLI,

Digitally signed by  
SUMATHY KANNAN  
Location: HIGH  
COURT OF  
KARNATAKA



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

NAGAMANGALA TALUK  
MANDYA DISTRICT  
PIN CODE – 571 421

PRESENTLY RESIDING AT  
HIRISAVE VILLAGE  
ARALIMARA STREET  
HIRISAVE HOBLI  
CHANNARAYAPATNA TALUK  
HASSAN DISTRICT – 573 201

...APPELLANTS

(BY SRI. AKASH, ADVOCATE FOR  
SRI. RAJARAM SOORYAMBAIL., ADVOCATE)

**AND:**

1. H. HIRANNAIAH  
S/O HANUME GOWDA,  
AGED ABOUT 57 YEARS,  
KSRTC BUS DRIVER,  
BADGE NO.6381  
RAMANATHAPURA DIVISION,  
ARAKALAGUDU TALUK,  
HASSAN DISTRICT – 573 201
2. THE MANAGING DIRECTOR  
KSRTC CENTRAL OFFICER  
SHANTI NAGAR  
BANGALORE – 560 025
3. INTERNATIONAL INSURANCE  
KSRTC,  
CENTRAL OFFICER, SHANTHINAGAR  
BANGALORE – 560 025
4. DIVISIONAL MANAGER,  
KSRTC, HASSAN DIVISION,  
HASSAN – 573 201

...RESPONDENTS

(BY SRI. G.S.JAGADISH., ADVOCATE FOR R2 TO R4;



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

VIDE ORDER DATED 15.01.2021, NOTICE TO R1 IS  
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT PRAYING  
TO SET ASIDE THE IMPUGNED JUDGMENT AND AWARD DATED  
13/07/2011, PASSED IN MVC NO.6/2011, ON THE FILE OF THE  
PRESIDING OFFICER, FAST TRACK COURT AT  
CHANNARAYAPATNA, BY ENHANCING THE COMPENSATION AS  
CLAIMED IN THE AFORESAID MVC CASE UP TO Rs.60,00,000/-  
AND GRANT SUCH OTHER ORDER OR DIRECTION AS THIS  
HON'BLE COURT MAY DEEM FIT TO GRANT IN THE  
CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE  
AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI  
and  
HON'BLE MS. JUSTICE TARA VITASTA GANJU

### **ORAL JUDGMENT**

**(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)**

1. The present appeal has been filed by the claimants  
seeking to challenge the judgment and award dated  
13.07.2011, in MVC No.6/2011, passed by the learned Fast  
Track Court at Channarayapatna (hereinafter referred to as



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

the 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded compensation to the appellants/claimants in a sum of Rs.6,72,000/-, along with interest at 6% per annum from the date of the petition till its realisation.

2. The brief facts of the case are that on 15.11.2007, at about 08.00 p.m., the deceased was going for a walk on B.M. Road in front of SRS Lodge and was hit by a KSRTC bus bearing Reg.No.KA-13-F-1474. As a result of the accident, he sustained injuries and succumbed to his injuries thereafter.

3. A claim petition was filed by the wife, minor children, and parents of the deceased under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'MV Act'). It was stated that the deceased was earning Rs.30,000/- per month from the business of vegetables, coconut and agriculture. Notice of the petition was sent to the respondents. After service, respondent no.4 filed his written statement.



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

4. Based on the pleadings by the parties, the following issues were framed by the learned Tribunal:

*"1. Whether the petitioners prove that on 11.11.2007 at about 8.00 p.m., when the husband of the petitioner No.1 was going on the left side of the B.M. Road in front of S.R.S. Lodge, then at that time the driver of the K.S.R.T.C. bus bearing No.KA-13-F-1474 drove the same in a rash and negligent manner and dashed against him and as a result of it he has succumbed to the injuries?*

*2. Whether the petitioners are entitled to the compensation? If yes, what amount and from whom?*

*3. What Order or Award?"*

5. On behalf of the appellants/claimants, the petitioner No.1, wife of the deceased, deposed as PW-1 and an eye-witness to the accident was examined as PW-2 and exhibited nine documents, which included Police Notice (Exhibit-P1), Charge-sheet (Exhibit-P2), Inquest Report (Exhibit-P7) and Spot Mahazar (Exhibit-P9). Statements of the criminal investigation were also exhibited as Exhibits-P3 to P6. The respondents marked two documents, which is the copy of the police complaint.

6. After examining the evidence of the parties, the learned Tribunal found that the complaint was lodged with



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

the jurisdictional Police in respect of the accident and based on that, the investigation was carried out. The learned Tribunal found that there was nothing contrary to the evidence given by the eyewitness (PW-2) with regard to the aspect of negligence and also relying on the documents filed by the Police, held that the negligence was established.

7. In order to grant compensation, the learned Tribunal took the notional income of the deceased to be Rs.4,500/- per month and also deducted 1/3 expenses towards personal expenses of the deceased and calculated the income of the deceased as Rs.3,000/- (Rs.4500-1/3). In addition, using the multiplier of 17 since the deceased was 27 years old, the loss of dependency was calculated by the learned Tribunal as follows:

$$(Rs.4,500 - 1/3) = 3000 \times 12 \times 17 = Rs.6,12,000/-$$

7.1. The learned Tribunal awarded the compensation under the following heads:



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

| Sl.No. | Particulars                | Amount<br>(Rs.)   |
|--------|----------------------------|-------------------|
| 1      | Loss of Dependency         | 6,12,000/-        |
| 2      | Loss of Consortium         | 20,000/-          |
| 3      | Loss of Love and Affection | 20,000/-          |
| 4      | Loss of Estate             | 10,000/-          |
| 5      | Funeral Expenses           | 10,000/-          |
|        | <b>TOTAL</b>               | <b>6,72,000/-</b> |

7.2 Thus, an amount of Rs.6,72,000/-, along with interest at 6% per annum was awarded.

8. The learned counsel for the appellants/claimants submits that the Impugned Award suffers from several infirmities. Firstly, he submits that no future prospects were awarded, even though the deceased was 27 years old. Secondly, contends that the loss of dependency was wrongly calculated. Since the parents of the deceased were senior citizens, there was no reason not to deduct amounts for loss of dependency. Lastly, it is contended that the amounts awarded for loss of consortium, as well as loss of estate, and funeral expenses was not in accordance with the settled legal position as set out by the Supreme Court in



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

***National Insurance Co. Ltd. v. Pranay Sethi***<sup>1</sup> case. In addition, it is contended that escalation was also required to be paid.

9. The learned counsel for the respondents on the other hand contends that the notional income was wrongly awarded, as the notional income in the year 2007 was Rs.4,000/- per month. However, on the aspect of future prospects, loss of dependency, as well as under the non-pecuniary heads, he does not dispute the fact that the judgment of ***Pranay Sethi*** provides for the methodology of calculation, which has not been used in the present case by the learned Tribunal. He further submits that 'loss of love and affection' would not arise, if loss of consortium is awarded.

9.1 The learned counsel for the respondent has produced a copy of the judgment of a learned Single Bench of this Court in ***Manjunath vs. Ravi And Another***<sup>2</sup>, which has

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<sup>1</sup> (2017) 16 SCC 680

<sup>2</sup> MFA No.22363/2012, dtd.05.06.2025.



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

been passed in respect of the accident pertaining to the year 2007, to submit that this judgment acknowledges that the notional income for the year 2007 is Rs.4,000/- per month. Hence, the same amount ought to have been taken by the Tribunal while awarding compensation. The relevant extract of the said order is set out below:

**"10. The accident is caused in the year 2007. Therefore, notional income of Rs.4000/- per month is taken into consideration, which is recognized by the Karnataka State Legal Service Authority...."**

[Emphasis Supplied]

10. The limited issue before this Court is thus, whether the amounts awarded by the learned Tribunal requires to be enhanced?

11. The learned counsel for the appellant fairly does not dispute the fact that the notional income for the year 2007 was Rs.4,000/- per month. Thus, the loss of dependency would require to be recalculated. The record reflects that the deceased was 27 years of age and thus, in terms of the judgment of the Supreme Court in the case of **Pranay Sethi**, future prospects would be awarded while calculating



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

loss of dependency. In addition, the parents of the deceased have filed a claim petition along with his wife and minor children, wherein it is stated that they were dependent on the income of the deceased. The respondent/KSRTC has not shown anything to the contrary in any event and given the fact that they were senior citizens and the father of the deceased was more than 65 years old at the time the claim petition was filed, this Court has no hesitation in including them for calculation of the purposes of loss of dependency. Accordingly, there would be 5 defendants and the loss of dependency is re-calculated as follows:

$$(Rs.4,000 - \frac{1}{4}) = Rs.3,000 + 40\% \times 12 \times 17 = Rs.8,56,800/-$$

12. In addition, the settled position of law is that loss of consortium has to be awarded for each dependent at the rate of Rs.40,000/- (Rs.40,000 x 5) and that no loss of love and affection is required.

13. Given that the accident happened in the year 2007, the award was given in the year 2011 and appeal challenge is the year 2019, this Court needs to award escalation at



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

the rate of 20% on the non-pecuniary heads. Accordingly, the amounts awarded by the learned Tribunal are recalculated as follows:

| Sl. No. | Particulars                                                       | Amount (Rs.)       |
|---------|-------------------------------------------------------------------|--------------------|
| 1       | Loss of Dependency<br>(Rs.4,000 - $\frac{1}{4}$ ) + 40% x 12 x 17 | 8,56,800/-         |
| 2       | Loss of Consortium<br>[(40,000 x 5) + 20%]                        | 2,40,000/-         |
| 3       | Loss of Estate<br>(Rs.15,000 + 20%)                               | 18,000/-           |
| 4       | Funeral Expenses<br>(Rs.15,000 + 20%)                             | 18,000/-           |
| 6       | <b>TOTAL</b>                                                      | <b>11,32,800/-</b> |
|         | <b>Less: Awarded by the Tribunal</b>                              | <b>6,72,000/-</b>  |
|         | <b>Enhanced compensation</b>                                      | <b>4,60,800/-</b>  |

14. Hence, the appellants/claimants are entitled to a sum of Rs.11,32,800/- along with interest at 6% per annum as awarded by the learned Tribunal, from the date of petition till its realization, however in terms of the order dated 13.06.2022 passed by this Court, no interest would be levied on the respondents/KSRTC for the 2729 days of delay.



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

15. Accordingly, this Court proceeds to pass the following:

**ORDER**

- (i) The appeal is ***partly allowed;***
- (ii) The Judgment and Award dated 13.07.2011, in MVC No.6/2011, passed by the learned Fast Track Court at Channarayapatna is modified by awarding a sum of **Rs.11,32,800/-** along with interest at the rate of 6% per annum as awarded by the learned Tribunal from the date of petition till realization; however, the appellants/claimants shall not be entitled to interest for the 2729 days of delay in filing the appeal.
- (iii) The remaining portion of the Impugned Award of the Tribunal remains undisturbed;
- (iv) The respondent/KSRTC is directed to pay the enhanced compensation with interest as awarded by the Tribunal within eight weeks from today;
- (v) On such deposit of compensation, the same shall be released in favour of the appellants/claimants, on



CNR: KAHC010100042019

NC: 2026:KHC:36757-DB  
MFA No. 2862 of 2019

filing of an appropriate application for withdrawal of the enhanced amount;

(vi) The Registry is directed to draw the modified Award accordingly;

(vii) The Registry is directed transmit a copy of this judgment to the concerned Tribunal, along with its records;

(viii) Pending applications, if any, stand disposed.

(ix) No order as to costs.

**Sd/-  
(JAYANT BANERJI)  
JUDGE**

**Sd/-  
(TARA VITASTA GANJU)  
JUDGE**

JJ

List No.: 1 Sl No.: 16