



CNR: KAHC010101142021

NC: 2026:KHC:45221
MFA No. 1776 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1776 OF 2021(MV-D)

BETWEEN:

1. SHYLAJA
W/O C RAJASHEKAR
AGED 44 YEARS
2. C RAJASHEKAR
S/O CHANNABASAPPA
AGED ABOUT 48 YEARS

BOTH ARE R/AT NO.2
2ND MAIN ROAD
VIKAS NAGAR
BEHIND CARLE
TUMAKURU ROAD
BENGALURU-560 073

...APPELLANTS

Digitally signed
by PANKAJA S

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. SHANTHARAJ K, ADVOCATE)

AND:

1. UNITED INDIA INSURANCE CO. LTD.,
BY ITS REGIONAL MANAGER
REGIONAL OFFICE, 5TH FLOOR
KRUSHI BHAVAN, HUDSON CIRCLE
BENGALURU-560 001
2. PRASANNA KUMAR H
S/O HANMANTHAI AH
AGED MAJOR



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R/AT NO.488-1
2ND CROSS
SANJEEVAININAGAR
HEGGANAHALLI
BENGALURU-560 091

...RESPONDENTS

(BY SMT. GEETHA R, ADVOCATE FOR R1,
VIDE COURT ORDER DATED 20.08.2026, NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 22.09.2018 PASSED IN MVC NO. 4102/2017 ON THE FILE OF THE XXII ADDITIONAL SMALL CAUSES JUDGE AND XX A.C.M.M. AND MEMBER M.A.C.T., BENGALURU (SCCH-24), 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 RAJESH RAI K

ORAL JUDGMENT

1. The appeal is filed seeking enhancement of compensation awarded in M.V.C.No.4102/2017 vide judgment and award dated 22.09.2018 for the accidental death of one Pooja R.

2. It is not in dispute that, as a result of the motor vehicle accident which occurred on 11.04.2017, Pooja R., a 18 year old died.



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3. It is not in dispute that the Insurer is liable to pay the compensation as the offending vehicle was insured.

4. The Tribunal, on assessment of the evidence adduced before it, has come to the conclusion that the driver of the offending vehicle was responsible for the accident which has resulted in the death of Pooja R, however, attributed 10% negligence on the deceased. The Tribunal has thereafter proceeded to award the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of dependency	8,64,000
2.	Loss of estate	15,000
3.	Funeral and obsequies ceremony expenses	15,000
4.	Medical expenses	17,723
	Sub-total	9,11,723
	Rounded off to	9,11,700
	Less: 10% towards contributory negligence	91,170
	Total	8,20,530



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5. In order to arrive at the loss of dependency, the Tribunal has determined the monthly income, notionally at Rs.8,000/-. As there is no credible evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2017, would be Rs.11,000/-.

6. Since the deceased was aged 18 years as on the date of the accident, 40% requires to be added to the monthly income towards future prospects, which would result in the income to be **Rs.15,400/-** (Rs.11,000/- + 40%).

7. Since the deceased was a spinster, 50% of the income is liable to be deducted towards personal and living expenses. Accordingly, the income of the deceased would be Rs.7,700/- (15,400/- - 50%).

8. As the deceased was aged 18 years, a multiplier of '18' would have to be applied.



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9. Consequently, the claimants would be entitled to a sum of **Rs.16,63,200/-** (7,700 x 12 x 18) towards "*loss of dependency*".

10. The claimants, being the parents of the deceased, each would be entitled to a sum of Rs.48,400/- towards "*loss of consortium*" i.e., in all **Rs.96,800/-** (48,400 x 2) and they would also be entitled to a sum of **Rs.36,300/-** under the "*conventional heads*".

11. The sum awarded as medical expenses at **Rs.17,723/-** being based on the documentary evidence, do not call for modification and hence confirmed.

12. As far as the negligence is concerned, the Tribunal has saddled 10% contributory negligence on the part of deceased for the accident by placing reliance on Ex.P4 - the rough sketch, as per which, it was observed that the deceased made an attempt to cross the road, where there was no zebra crossing.

13. Learned counsel for the insurance company vehemently contended that the Tribunal was not justified in



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attributing only 10% negligence on the part of the deceased. According to her, since the deceased made an attempt to cross the National Highway-4, where there was no permitted road crossing or a zebra crossing, she contributed more than 10% negligence for occurrence of the accident.

14. However, the learned counsel for the claimant contended that the highway where the accident occurred, was attached to a service road. Moreover, the accident occurred on the extreme edge of the National Highway-4 in a 30 feet width road i.e., two way road, where there is center median. According to him, there is much space available to the driver of the offending car to pass his car on the right side of the said road. All of a sudden, he came on the left side of the road and dashed against the deceased. In such circumstances, the accident had occurred solely due to the negligence of the driver of the car. Accordingly, he submits to modify the findings of the Tribunal in respect of contributory negligence attributed on the deceased.

15. Having heard the learned counsel for the respective parties and on careful examination of FIR, complaint and the



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charge sheet materials, admittedly, the charge sheet, it is seen that the charges are laid against the driver of the offending car bearing registration No.KA-02-AE-5167. In the charge sheet, column No.17, depicts that the driver of the offending car while driving the same from east to west on Tumkur - Bengaluru road, suddenly took the vehicle on the extreme left side of the road and dashed against the pedestrian i.e., deceased. As such, the accident occurred solely due to his negligence.

16. On perusal of the rough sketch at Ex.P4, the same corroborates with the contents of the charge sheet at the accusation column. Admittedly, the accident occurred on the extreme edge of the left side of the road i.e., 30 feet width road at Tumkur - Bengaluru National Highway - 4. Moreover, there is an attached service road to the National Highway - 4 to the 30 feet width road and there is ample space available to the car to pass on the right side of the said road, despite, the driver of the car came on the extreme left side of the road and dashed against the pedestrian i.e., the deceased where the service road and the highway road merges. In such circumstances, I am of the view that the accident occurred



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solely due to the negligence of the driver of the car. Hence, the findings of the Tribunal that the deceased also contributed 10% negligence for the accident is liable to be set aside and is accordingly set aside.

17. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums:

Sl. No.	Particulars	Amount (In Rs.)
1.	Loss of Dependency	16,63,200
2.	Loss of Consortium	96,800
3.	Conventional Heads	36,300
4.	Medical expenses	17,723
	Total	18,14,023

18. Accordingly, the claimants would be entitled for compensation of **Rs.18,14,023/-** as against Rs.8,20,530/-. The enhanced compensation amount shall carry 6% interest per annum from the date of petition till its realization, however, the appellants are not entitled for interest for the delayed period in filing the appeal.



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19. The Insurance Company is directed to deposit the compensation amount, together with accrued interest, within a period of six weeks from the date of receipt of a certified copy of this judgment.

20. The apportionment of compensation amount shall be in terms of the award of the Tribunal.

The appeal is accordingly ***allowed in part.***

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 4