



CNR: KAHC010104522022

NC: 2026:KHC:42014
MFA No. 2125 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2125 OF 2022(MV-D)

BETWEEN:

1. ANNAPPA
S/O LATE MUDLAIAH
NOW AGED ABOUT 53 YEARS
2. VENKATESHA
S/O LATE MUDLAIAH
NOW AGED ABOUT 51 YEARS
3. KUMARA
S/O LATE MUDLAIAH
NOW AGED ABOUT 44 YEARS
4. UMESH
S/O LATE MUDLAIAH
NOW AGED ABOUT 36 YEARS

ALL ARE RESIDING AT
NARAYANAGHATTA HALLI
BHOVI COLONY, KASABA HOBLI
ARSIKERE TALUK
HASSAN DISTRICT - 573 103

5. AMMAIAH
D/O LATE MUDLAIAH
W/O KUMARA
NOW AGED ABOUT 49 YEARS
R/AT KALASAPURA VILLAGE
LAKYA HOBLI
CHICKMAGALUR TALUK

...APPELLANTS

(BY SMT. KAMALA D.K, ADVOCATE)

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. AKRAM B
S/O BASHEER SAB
R/AT KEMPUSAGARA
ARSIKERE TALUK
HASSAN DISTRICT - 573 103
2. NATIONAL INSURANCE CO LTD.,
KASHI COMPLEX, BUSINESS CENTER
SHOP NO.1, B.H ROAD, ARSIKERE

...RESPONDENTS

(BY SRI. SHIVARAJ PATIL, ADVOCATE FOR R2,
VIDE ORDER DATED 19.01.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.06.01.2020 PASSED IN MVC
NO.1192/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE,
AMACT, ARSIKERE, PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

The appeal is filed seeking enhancement of compensation
awarded by the Tribunal vide judgment and award dated
06.07.2020 in MVC.No.1192/2018 for the accidental death of
Mudlaiah.



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2. It is not in dispute that as a result of the motor vehicle accident which occurred on 26.06.2018, Sri Mudlaiah, 70 years old died.

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 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 Sri Mudlaiah. The Tribunal has thereafter proceeded to award the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of dependency	NIL
2.	Transportation and funeral	30,000
3.	Loss of estate	1,35,000
4.	Loss of love and affection	75,000
	Total	2,40,000

5. Aggrieved by the same, the claimants are before this Court in this appeal.



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6. Heard the learned counsel for both the parties and perused the material on record.

7. Learned counsel for the claimants would contend that the Tribunal has erred in not awarding any compensation towards loss of dependency and has also erred in awarding meagre compensation under all the heads. As such, the same requires interference at the hands of this Court. Accordingly, he would pray for allowing of the appeal.

8. *Per contra*, learned counsel for the insurer would contend that the Tribunal has rightly not awarded any compensation towards loss of dependency since the claimants are the major children of deceased and they were not financially dependent on the deceased. Accordingly, he would pray for dismissal of the appeal.

9. I have given my anxious consideration to the submissions of learned counsel for both the parties.

10. As could be gathered from records, the claimants are the major children of deceased and based on that the Tribunal has not awarded any sums towards loss of



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dependency. The Hon'ble Supreme Court in the case of ***JITENDRA KUMAR Vs. SANJAY PRASAD - 2025 Supreme (Online) Supreme Court 5470***, referring to the judgments in ***SEEMA RANI & OTHERS VS. ORIENTAL INSURANCE CO. LTD. & OTHERS - 2025 SCC Online Supreme Court 283*** and ***NATIONAL INSURANCE CO. LTD. VS. BIRENDER - (2017) 16 SCC 680***, has awarded loss of dependency based on the exposition of law in ***Birender's*** case, wherein it was observed as under:

"It is thus settled by now that the legal representatives of the deceased have a right to apply for compensation. Having said that, it must necessarily follow that even the major married and earning sons of the deceased being legal representatives have a right to apply for compensation and it would be the bounden duty of the Tribunal to consider the application irrespective of the fact whether the legal representative concerned was fully dependent on the deceased and not to limit the claim towards conventional heads only. "Thus, the claimants are entitled for compensation under loss of dependency. However, since they are majors, 50% requires to be deducted towards personal and living expenses."

11. Since the deceased was 70 years at the time of accident and in absence of cogent materials to ascertain the actual income of the deceased, the notional monthly income of the deceased assessed by the Tribunal at Rs.9,000/-, is just and proper.



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12. As held above, 50% requires to be deducted towards personal expenses, which would result in the income to be Rs.4,500/-. The income of the deceased for the purposes of determining the loss of dependency would thus be **Rs.4,500/-**.

13. As the deceased was aged 70 years, a multiplier of '5' would have to be applied. Consequently, the claimants would be entitled to a sum of **Rs.2,70,000/-** (Rs.4,500 x 12 x 5) towards "*loss of dependency*".

14. The claimants, being the children, each would be entitled to a sum of **Rs.48,400/-** towards "*loss of consortium*" in all **Rs.2,42,000/-** and they would also be entitled to a sum of **Rs.36,300/-** under the "*conventional heads*".

15. 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	2,70,000
2.	Loss of Consortium	2,42,000
3.	Conventional Heads	36,300
	Total	5,48,300



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16. Consequently, the claimants would be entitled for compensation of **Rs.5,48,300/-** as against Rs.2,40,000/-. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization.

17. The Insurance Company is directed to deposit the amount of compensation awarded within a period of six weeks from the date of receipt of a certified copy of this judgment.

18. 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

HKV
List No.: 1 Sl No.: 11