



CNR: KAHC010128832022

NC: 2026:KHC:53295
MFA No. 2639 of 2022

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF SEPTEMBER, 2026**

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 2639 OF 2022

(MV-D)

BETWEEN:

1. K. NAGARATHNAMMA,
D/O LATE KEMPEGOWDA,
W/O K. MURTHY,
AGED ABOUT 34 YEARS,
2. PRATHIBA,
D/O LATE SHIVAMMA AND
LATE KEMPEGOWDA,
AGED ABOUT 15 YEARS,
R/AT T.DODDAPURA VILLAGE,
MAVINAHALLI POST, TALAKADU HOBLI,
T. NARASIPURA TALUK – 571 124.
SINCE MINOR SHE IS REPRESENTED BY
HER SISTER NAGARATHNAMMA/CARE.

...APPELLANTS

(BY SRI. SUMA K., ADVOCATE)

AND:

1. GOPAL,
S/O RAMANNA,
AGED ABOUT 41 YEARS,
R/AT NEAR MILK DIARY,

Digitally
signed by
SUSHMA
LAKSHMI B
S
Location:
High Court of
Karnataka



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SHETTIHALLI VILLAGE,
KASABA HOBLI,
CHANANRAYAPATNA TALUK,
HASSAN DISTRICT – 573 116.

2. CHOLAMANDALAM MS GENERAL
INSURANCE COMPANY LIMITED,
SHOP NO.2, SIGMA COMPLEX,
OPP. BGS HOSPITAL,
NEW KANTHARAJ URS ROAD,
KUVEMPUNAGAR,
MYSURU – 560 023.

...RESPONDENTS

(BY SRI. B. PRADEEP., ADVOCATE FOR R2;
R1 IS D/W, V/O DATED 09.09.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 26.07.2021, PASSED IN
MVC.NO.541/2016, ON THE FILE OF THE PRINCIPAL JUDGE,
COURT OF SMALL CAUSES AS A PRESIDING OFFICER, M.A.C.T.
AT MYSURU, 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 S RACHAIAH



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ORAL JUDGMENT

1. This appeal has been filed by the claimants/appellants seeking enhancement of compensation, being aggrieved by the judgment and award dated 26.07.2021 passed in MVC Nos.540/2016, 541/2016 and 542/2016 on the file of the learned Prl. Small Causes and Senior Civil Judge and MACT at Mysuru (for short, 'Tribunal'), wherein the Tribunal awarded compensation of Rs.10,06,000/- with interest at 6% p.a. from the date of petition till realization.

The brief facts of the case:

2. On 23.04.2015 at about 5.30 p.m., Smt. Shivamma wife of late Kempegowda and others were traveling from Madhapura towards their village in an Auto Rickshaw bearing Reg. KA-52-3844, in the meantime, a Goods Tempo bearing Reg. No. KA-13-B-5172 came from opposite side with high speed in a rash and negligent manner and hit the auto rickshaw and caused accident. Consequently, she had sustained injuries to the right leg, bleeding injuries to the nose and other injuries all over the body. Immediately she was shifted to Apollo BGS Hospital,



Mysuru, later, she was shifted to KR Hospital, Mysuru. Despite being treated, in various hospitals, she succumbed to the injuries on 26.04.2015. Therefore, a claim petition was filed by the legal representatives of deceased-Shivamma. The Tribunal awarded Rs.10,06,000/- along with interest at 6% per annum. Being aggrieved by the same, the legal representatives of the deceased are before this Court.

3. Heard Smt. Suma K, learned counsel for appellants and Sri. B. Pradeep, learned counsel for respondent No.2.

4. Learned counsel for the appellants submitted that the income of the deceased was not properly assessed by the Tribunal, though the evidence would indicate that she was earning Rs.300/- per day. Hence, it has to be enhanced as per the Chart. It is further submitted that the compensation in respect of other conventional head is lower side and it has to be enhanced as per the settled principle of law. Making such submissions, learned counsel for the appellants prays to allow the appeal.



5. *Per contra*, learned counsel representing the respondent No.2 – Insurance Company vehemently justified the award passed by the Tribunal and submitted that interference may not be necessary since the appellants have not made out any grounds to enhance the compensation under the changed circumstances. Hence, the appeal may be dismissed. Making such submissions, learned counsel for respondent No.2 – Insurance Company prays to dismiss the appeal.

6. Having heard learned counsel for the respective parties and on perusal of the award passed by the Tribunal, no doubt the accident occurred on 23.04.2015. It is also true that the claimants have not produced any documents to show that the deceased was earning Rs.300/- per day. Therefore, even on considering the notional income of the deceased, it comes to Rs.9000/- per month. Adding 25% future prospects to the income of the deceased as per the settled principles of law, it comes to Rs.11,250/- per month. If one-third of the income of the deceased is deducted as per the age of the deceased, it comes to Rs.7,500/-. Then, the calculation under the head of loss of dependency would be as follows:



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Rs.7,500X12X14=12,60,000/-

7. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the compensation as under:-

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Towards Medical Expenditure	46,000/-	46,000/-
02	Towards loss of consortium (48,400x2)	80,000/-	96,800/-
03	Towards loss of estate	15,000/-	36,300/-
04	Towards transportation and funeral expenses	25,000/-	25,000/-
05	Towards loss of dependency (7,500X12X14)	8,40,000/-	12,60,000/-
	TOTAL	10,06,000/-	14,64,100/- -10,06,000 =4,58,100/-

8. In the light of the observations made above, I proceed to pass the following:-



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ORDER

- i) Miscellaneous First Appeal is ***allowed-in-part***.
- ii) The judgment and award dated 26.07.2021 passed in MVC Nos.540/2016, 541/2016 and 542/2016 on the file of the learned Prl. Small Causes and Senior Civil Judge and MACT at Mysuru, is modified, granting compensation of **Rs.14,64,100/- (Rupees Fourteen Lakhs Sixty-four Thousand One Hundred only)** as against Rs.10,06,000/- awarded by the Tribunal.
- iii) The claimants are entitled to enhanced compensation of **Rs. 4,58,100/- (Rupees Four Lakhs Fifty-eight Thousand One Hundred only)** with interest at the rate of 6% per annum from the date of this appeal till realisation.
- iv) The enhanced compensation amount shall be deposited by the Insurance Company within a period of six weeks from date of receipt of the certified copy of this judgment.



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- v) The Registry is directed to communicate the order to the Tribunal and send the records to the Trial Court forthwith.

Sd/-
(S RACHAIAH)
JUDGE

JS
List No.: 1 Sl No.: 29