



CNR: KAHC010129902021

NC: 2026:KHC:42048
MFA No. 1620 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.1620 OF 2022(MV-D)

BETWEEN:

1. SMT. BHAGYALAKSHMI
W/O. LATE M. RAJASHEKAR,
AGED ABOUT 36 YEARS,
2. KUM. CHAITRA
D/O. LATE M. RAJASHEKAR,
AGED ABOUT 16 YEARS,
3. KUM. MAANYA
D/O. LATE M. RAJASHEKAR,
AGED ABOUT 9 YEARS,
4. SMT. M. JAYA
W/O. LATE M. A. RAJU,
AGED ABOUT 66 YEARS,

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

ALL ARE R/AT NO. 1317,
KAVERI LAYOUT, MARIYANAPALYA,
DASARAHALLI, BENGALURU-560 024.
APPELLANT NO.2 & 3 ARE MINORS REP.BY
NATURAL GAURDAIN MOTHER 1ST APPELLANT

...APPELLANTS

(BY SRI. JAGADISH GUNDAPPA KUMBAR, ADVOCATE)

AND:

1. SMT. D. B. BHAVYA RANI
W/O. BHADRINATH,



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AGED ABOUT 32 YEARS,
R/AT NO. 106, 1ST FLOOR,
CORPORATION BANK APARTMENT,
HEBBAL KEMPAPURA, BENGALURU.

ALSO R/AT NO.4/10,
1ST MAIN ROAD, GANDHINAGAR
GANGANAGAR, BENGALURU-560 032.

2. M/S. CHOLAMANDALAM GENERAL INS. CO. LTD.,
NO. 4/9, 6TH FLOOR, STAR BAZAR,
GOLDEN HEIGHTS BUILDING,
DR. RAJKUMAR ROAD, RAJAJINAGAR,
BENGALURU-560 010,
REP BY ITS MANAGER.

...RESPONDENTS

(SRI. H.S. LINGARAJ, ADVOCATE FOR R2,
VIDE ORDER DATED 24.07.2024, NOTICE TO R1 IS
HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.05.06.2017 IN MVC
NO.5503/2016 ON THE FILE OF THE XIX ADDITIONAL SMALL
CAUSE JUDGE XLI ACMM, MACT, BENGALURU, (SCCH-17),
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

1. The claimants, being dissatisfied with the
compensation of Rs.15,21,000/- awarded by the Tribunal in



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MVC No.5503/2016 dated 05.06.2017, are before this Court seeking enhancement of compensation.

2. It is not in dispute that, as a result of the motor vehicle accident which occurred on 30.12.2015, Sri M. Rajashekar, a 35 year old died.

3. 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 M. Rajashekar. The Tribunal has thereafter proceeded to award the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of Dependency	12,96,000
2.	Towards loss of consortium	1,00,000
3.	Towards loss of love and affection, deprivation of protection, social security etc. loss of love and affection, deprivation of protection, social security	1,00,000
4.	Towards funeral expenses and transportation of dead body	25,000
	Total	15,21,000



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4. As the claimants were failed to produce any cogent document to substantiate that the deceased was earning Rs.20,000/- per month, the Tribunal, as per the chart of Karnataka State Legal Services Authority and since the accident had taken place in the year 2015, has rightly assessed the monthly income of the deceased at Rs.9,000/-, which is just and proper.

5. As the deceased was aged 35 years, a multiplier of '16' would have to be applied and as he was self-employed, 40% requires to be added to his monthly income towards future prospects and $1/4^{\text{th}}$ has to be deducted towards personal expenses. Thus, the claimants would be entitled to a sum of **Rs.18,14,400/-** ($9,000 + 40\% \times 12 \times 16 \times 3/4$) towards "*loss of dependency*".

6. The claimants, being the wife, daughters and mother of the deceased, they would each be entitled to a sum of **Rs.48,400/-** towards "*loss of consortium*" i.e., in all **Rs.1,93,600/-** ($48,400 \times 4$) and they would also be entitled to a sum of **Rs.36,300/-** under the "*conventional heads*".



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7. The Tribunal has erred in not awarding compensation towards medical expenses, despite the claimants placed medical bills at Ex.P9. The five bills at Ex.P9 produced by the claimants clearly reveal that the claimants have spent Rs.59,867/- for the medical treatment of the deceased. As such, I deem it appropriate to consider the same and award **Rs.59,867/-** towards '*medical expenses*'.

8. As far as the liability is concerned, the Tribunal has exonerated the Insurance Company from liability of payment of compensation on the premises that the driver of the Auto Rickshaw was not possessing valid driving license. Though the said aspect is proved before the Tribunal, the position of law on the said aspect is no more *res integra* in view of the law laid down by the Hon'ble Apex Court in the case of **PAPPU VS. VINOD KUMAR LAMBA AND ANOTHER**, reported in **(2018) 3 SCC 208**, and **NATIONAL INSURANCE CO. LTD. VS. SWARAN SINGH**, reported in **(2004) 3 SCC 297**. In the light of the aforesaid authoritative pronouncements, the liability to satisfy the award is required to be fastened on the insurer with liberty to recover the same from the insured.



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Accordingly, the impugned judgment and award stand modified to the said extent.

9. 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	18,14,400
2.	Loss of consortium	1,93,600
3.	Loss of estate	36,300
4.	Medical expenses	59,867
	Total	21,04,167

10. Thus, the claimants are held entitled to the total compensation of **Rs.21,04,167/-** as against Rs.15,21,000/-. The enhanced compensation shall carry interest at the rate of 6% per annum from the date of petition till its realization. In view of the order dated 27.02.2025, the claimants-appellants are not entitled for interest for the delayed period of 924 days in filing this appeal.

11. For the discussion *supra*, the Insurance Company is directed to deposit the amount of compensation awarded within



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six weeks from the date of receipt of a certified copy of this judgment with liberty to recover the same from the owner of the offending vehicle i.e., respondent No.1.

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

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

Pending I.As., if any, stand disposed of.

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

HKV
List No.: 1 Sl No.: 8