



CNR: KAHC010131792022

NC: 2026:KHC:42537
MFA No. 2656 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.2656 OF 2022(MV-D)

BETWEEN:

1. SMT. DEEPTHI M
W/O LATE GIRISH KUMAR @ GIRISH
AGED ABOUT 27 YEARS
2. BABY THRUPTHI
D/O LATE GIRISH KUMAR @ GIRISH
AGED ABOUT 8 YEARS
3. SMT. BIRKU
W/O LATE ANGARA
AGED ABOUT 60 YEARS

THE APPELLANT NO.2 IS MINOR AND
REP. BY HER MOTHER AND NATURAL
GUARDIAN, THE APPELLANT NO.1 HEREIN

ALL ARE PERMANENT RESIDENT OF
D.NO.1-15,
BALAJE HOUSE
KUNTHOORU POST
PERABE, PUTTUR TQ

PRESENTLY RESIDING AT
MAHIMA NILAYA BEERI,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010131792022

NC: 2026:KHC:42537
MFA No. 2656 of 2022

KOTEKAR,
MANGALORE

...APPELLANTS

(BY SRI. GURUPRASAD B.R, ADVOCATE)

AND:

1. UNITED INDIA INSURANCE CO LTD.,
VARANASHI TOWERS
MISSION STREET, BUNDER
MANGALURU - 575 003
REPRESENTED BY ITS MANAGER
2. GULABHI K SHETTY
W/O KARUNAKARA SHETTY
AGED 46 YEARS
R/O D.NO. 2-136/1
NALGUTTU HOUSE
KALANJA POST AND VILLAGE
SULLIA TQ, D.K. - 574 198

...RESPONDENTS

(BY SRI. O MAHESH, ADVOCATE FOR R1,
VIDE COURT ORDER DATED 11/08/2026, NOTICE TO R2
IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 07.04.2021 PASSED IN MVC
NO. 86/2019 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE
AND CJM AND MACT, MANGALURU D.K, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.



CNR: KAHC010131792022

NC: 2026:KHC:42537
MFA No. 2656 of 2022

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 for enhancement of compensation awarded in M.V.C.No.86/2019 vide judgment and award dated 07.04.2021 for the accidental death of one Girish Kumar @ Girish.

2. It is not in dispute that, as a result of the motor vehicle accident which occurred on 07.04.2018, Girish Kumar @ Girish, a 33 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 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 Girish Kumar @ Girish. The Tribunal has thereafter proceeded to award the following sums as compensation:



CNR: KAHC010131792022

NC: 2026:KHC:42537
MFA No. 2656 of 2022

Sl. No.	Particulars	Amount in (Rs.)
1.	Towards loss of dependency	16,32,000
2.	Towards loss of consortium	40,000
3.	Towards loss of love and affection	40,000
4.	Towards funeral expenses	15,000
5.	Towards loss of estate	15,000
	Total	17,42,000

5. In order to arrive at the loss of dependency, the Tribunal has rightly determined the monthly income, notionally at Rs.12,500/-.

6. Since the deceased was aged 33 years and was self employed, 40% requires to be added to the monthly income towards future prospects, which would result in the income to be **Rs.17,500/-** (Rs.12,500/- + 40%).

7. The Tribunal has rightly deducted $1/3^{\text{rd}}$ of the income of the deceased towards his personal and living expenses. Accordingly, the income of the deceased would be Rs.11,667/- ($17,500/- - 1/3^{\text{rd}}$).



CNR: KAHC010131792022

NC: 2026:KHC:42537
MFA No. 2656 of 2022

8. As the deceased was aged 33 years, a multiplier of '16' would have to be applied.

9. Consequently, the claimants would be entitled to a sum of **Rs.22,40,064/-** (11,667 x 12 x 16) towards "*loss of dependency*".

10. The claimants, being the wife, daughter and mother of the deceased, each would be entitled to a sum of **Rs.48,400/-** towards "*loss of consortium*" i.e., in all **Rs.1,45,200/-** (48,400 x 3) and they would also be entitled to a sum of **Rs.36,300/-** under the "*conventional heads*".

11. 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	22,40,064
2.	Loss of Consortium	1,45,200
3.	Conventional Heads	36,300
	Total	24,21,564



CNR: KAHC010131792022

NC: 2026:KHC:42537
MFA No. 2656 of 2022

12. Accordingly, the claimants would be entitled for compensation of **Rs.24,21,564/-** as against Rs.17,42,000/- awarded by the Tribunal, along with interest at the rate of 6% per annum from the date of petition till its realization.

13. 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.

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

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

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 13