



CNR: KAHC010203112026

NC: 2026:KHC:44448
MFA No. 2120 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2120 OF 2026

(MV-D)

BETWEEN:

1. SRI K MURUGESH @ KANDASWAMYGARI
MURUGESH
S/O. LATE. KANDASWAMY,
AGED ABOUT 45 YEARS.
2. SMT. K. HAMSA
W/O. KANDASWAMYGARI MURUGESH
AGED ABOUT 40 YEARS.
3. SRI. K. SACHIN,
S/O. KANDASWAMYGARI MURUGESH,
AGED ABOUT 22 YEARS,
ALL ARE R/AT NO. 3-412/1,
OLD PETA, PALAMANER TOWN,
CHITTOOR DISTRICT,
ANDHRAPRADESH - 517 408.

...APPELLANTS

(BY SRI. KAILAS SHANKAR P S, ADVOCATE)

AND:

1. M/s. SHIVAM ROAD CARRIER
H. NO. 2, ROAD NO.2,
BAJARANGINAGAR,
JEMSHEDPUR,

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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JHARKAND STATE – 831 004.
BY ITS MANAGING DIRECTOR.

2. THE MANAGER,
THE ROYAL SUNDARAM GENERAL INS. CO. LTD.,
BRANCH OFFICE, RAGHAVENDRA PLAZA,
1ST FLOOR, 1ST CROSS, HOSUR MAIN ROAD,
WILSON GARDEN, BANGALORE-560 027.
...RESPONDENTS

(BY SRI P S JAGADISH, ADVOCATE FOR R2
V/O DTD. 25.03.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED. 02.12.2025 PASSED IN MVC NO. 3917/2026 ON THE FILE OF THE III ADDL.JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES (SCCH-18), BENGALURU PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 02.12.2025 passed in MVC No.3917/2024 by III Additional Small Causes Judge and MACT, Bengaluru (SCCH-18).



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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellants and learned counsel for respondent No.2 –insurer.

3. Appellants made a claim petition praying to award compensation for the death of K Suresh (Son of claimant Nos.1 and 2 and brother of claimant No.3) in a road traffic accident occurred on 27.03.2023 contending that the accident occurred due to rash and negligent driving of the driver of lorry bearing registration No.KA-JH-05/DK-2839. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	24,94,800/-
02.	Loss of consortium	96,800/-
03.	Loss of Estate	18,150/-
04.	Funeral Expenses	18,150/-
Total		26,27,900/-



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4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the respondent No.2 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. Learned counsel for appellants would contend that the deceased was degree student and in that regard documents are produced. Considering that the deceased was the student, the income of the deceased is to be taken higher than the notional income. He further submits that the Tribunal has rightly taken the future prospects at 40%, deducted 50% towards personal expenses of the deceased and applied multiplier 18. The Tribunal has rightly awarded compensation under conventional heads. With these, he prays to allow the appeal.



7. Learned counsel for respondent No.2 -insurer would contend that the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The tribunal in para No.31 of the impugned judgment has observed that claimants have produced Ex.P13 to 16, namely Study and Conduct Certificate, SSLC marks card, intermediate marks cards, ID card and they clearly indicate that the deceased was studying degree. The tribunal has taken notional income fixed for unskilled labour. Therefore, the income of the deceased is to be taken higher than the notional income. Therefore, the income of the deceased is to be taken at Rs.18,000/- per month. In view of the same, the loss of dependency is calculated as under:



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$$\text{Rs.18,000/-} + 40\% (\text{Rs.7,200/-}) = \text{Rs.25,200/-}$$
$$\text{minus } 50\% = \text{Rs.12,600/-} \times 12 \times 18 = \text{Rs.27,21,600/-}.$$

The compensation awarded by the Tribunal under conventional heads are just and proper. Considering the above aspects, claimants are entitled to loss of dependency in a sum of Rs.27,21,600/- as against Rs.24,94,800/- with interest at the rate of 6% per annum from the date of petition till realization. Consequently, claimants are entitled to enhanced compensation of Rs.2,26,800/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 - insurer is liable to pay the said enhanced compensation with interest.

10. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellants -claimants are entitled to enhanced compensation of Rs.2,26,800/-



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with interest at the rate of 6% per annum
from the date of petition till realization.

- iii) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellants -claimants are entitled to release of entire enhanced compensation in the ratio as determined by the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 48
Ct.sm