



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 3040 OF 2023 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4022 OF 2023 (MV-D)

IN MFA NO. 3040/2023

BETWEEN:

THE MANAGER
UNIVERSAL SOMPO GIC LTD.,
3RD FLOOR, KVV SAMRAT
217/A, 3RD MAIN, OUTER RING ROAD,
KASTURI NAGAR,
BANGALORE – 560 043.

...APPELLANT

(BY SRI. PRADEEP B.,ADVOCATE)

AND:

1. SMT. L. SUSHEELA
W/O SANNATHAMMEGOWDA,
AGED 50 YEARS,
2. SANNATHAMMEGOWDA,
S/O LATE THAMMANNAGOWDA
AGED 69 YEARS,



NC: 2026:KHC:29372-DB
MFA No. 3040 of 2023

BOTH ARE R/AT
PAREGOWDANAKOPPALU,
HINIKALALE, KRISHNARAJPETE,
MANDYA,
KARNATAKA - 575 423.

3. KEERTHI G.V.,
S/O VENKATESH GOWDA G.K.,
NO.100/1, 4TH CROSS,
NELLA KANTESHWARA TEMPLE,
SANJIVININAGAR,
HEGGANAHALLI, BANGALORE - 91.

...RESPONDENTS

(BY SRI. SATEESH.H.K, ADVOCATE FOR R1 AND R2;
V/C/O DATED 27/11/2023, NOTICE TO R3 IS DISPENSED
WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.11.2022 PASSED IN MVC
NO. 1581/2020 ON THE FILE OF THE MOTOR ACCIDENT
CLAIMS TRIBUNAL, COURT OF SMALL CAUSES, VII
ADDITIONAL SMALL CAUSES JUDGE AND ACMM, MEMBER,
MACT-3, BENGALURU AWARDED COMPENSATION OF
RS.23,02,400/-WITH INTEREST AT 6 PERCENT P.A. FROM THE
DATE OF PETITION TILL THE DATE OF DEPOSIT.

IN MFA NO. 4022/2023

BETWEEN:

1. SMT. L. SUSHEELA
W/O SANNATHAMMEGOWDA,
AGED 50 YEARS,
2. SANNATHAMMEGOWDA,
S/O LATE THAMMANNAGOWDA
AGED 69 YEARS,

BOTH ARE R/AT
PAREGOWDANAKOPPALU,
HINIKALALE, KRISHNARAJPETE,



MANDYA,
KARNATAKA - 575 423.

...APPELLANTS

(BY SRI. SATHEESH H K.,ADVOCATE)

AND:

1. KEERTHI G.V.,
S/O VENKATESH GOWDA G.K.,
MAJOR,
NO.100/1, 4TH CROSS,
NELLA KANTESHWARA TEMPLE,
SANJIVININAGAR,
HEGGANAHALLI, BANGALORE - 91.
2. THE MANAGER,
UNIVERSAL SOMPO GENERAL INSURANCE
COMPANY LTD.,
3RD FLOOR, KVV SAMRAT,
217/A, 3RD MAIN,
OUTER RING ROAD, KASTURINAGAR,
BENGALURU - 560 043.

(POLICY NO. 2314/60577184/00/000 VALID FROM
25/11/2019 TO 24/11/2020)

...RESPONDENTS

(BY SRI.B.PRADEEP ADVOCATE FOR R2,
V/C/O DATED 25.07.2023 NOTICE TO R1 IS DISPENSED
WITH.)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.11.2022 PASSED IN MVC
NO.1581/2020 ON THE FILE OF THE VII ADDITIONAL SCJ AND
ACMM, MEMBER, MACT-3, BENGALURU, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION BARRED BY TIME.
C.F. SUFFICIENT.

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



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The above two appeals arise out of the judgment and award dated 02.01.2023 in MVC No.1581/2020 on the file of the Motor Accident Claims Tribunal and Court of Small Causes at Bengaluru (for short "Tribunal").

2. Both insurer and claimants are in appeals. The insurer is before this Court, questioning the quantum of compensation awarded by the Tribunal whereas, the claimants are in appeal, not being satisfied with the quantum of compensation awarded by the Tribunal.

3. The brief facts of the case are that:

The claimants being parents of their deceased son Kiran filed claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation for the accidental death of Kiran in a road traffic accident that occurred on 03.03.2020 involving Car bearing Registration No.KA-50/N-5271 and another Car bearing Registration No.KA-04/AB-0604. It is stated that the deceased was



aged about 24 years as on the date of accident and was earning salary of Rs.25,000/- p.m. working as Executive Manager at M/s.Anugraha Properties, Bengaluru.

4. On issuance of notice, the respondent-Insurance Company appeared and filed its written statement denying the claim petition averments and further it is stated that the accident occurred solely due to negligent driving of the of driver of the offending Car bearing No.KA-04/AB-0604.

5. It is to be noted that common evidence was recorded clubbing four claim petitions.

6. On behalf of the claimants, claimant No.1/mother of the deceased examined herself as P.W.1 apart from examining other two witnesses and got marked the documents Ex.P1 to Ex.P28. However, no evidence was adduced on behalf of respondent-Insurance Company.

7. The Tribunal, on consideration of the material on record awarded total compensation of Rs.23,02,400/- with



interest at the rate of 6% p.a. from the date of petition till the date of deposit, on the following heads:

1.Loss of dependency	Rs.21,92,400/-
2.Loss of estate	Rs. 15,000/-
3.Towards filial consortium (for petitioners No.1 and 2)	Rs. 80,000/-
4.Transportation of dead body and funeral expenses	Rs. 15,000/-
Total	Rs.23,02,400/-

While awarding the above compensation, the Tribunal assessed the income of the deceased notionally at Rs.14,500/- p.m.; deducted 50% of the assessed income towards personal expenses since the deceased was bachelor; adopted appropriate multiplier of 18 taking into consideration the age of the deceased as 24 years and added 40% of assessed income towards future prospects. The claimants being not satisfied with the quantum of compensation and the insurer on the ground that the compensation awarded is exorbitant are before this Court in the above stated appeals.



8. Heard learned counsel Sri.B.Pradeep for the insurer and learned counsel Sri.A.S.Girish, learned counsel for the respondents/claimants. Perused the entire appeal papers including the original records of the Tribunal.

9. Learned counsel Sri.Pradeep for insurer would submit that the judgment and award in question is opposed to the material on record and he would submit that compensation awarded by the Tribunal is exorbitant. Learned counsel would submit that the Tribunal committed an error in fastening entire liability on the driver of the offending car, which is insured with the appellant-Insurance Company, without considering the fact of contributory negligence on the part of the deceased. Further, learned counsel would submit that the Tribunal committed a grave error in adding 40% of the assessed income towards future prospects, as such, he prays for allowing the appeal filed by the insurer.

10. Per contra, learned counsel Sri.A.S.Girish for claimants would submit that the the Tribunal committed a



grave error in assessing the notional income of the deceased at Rs.14,500/- p.m. ignoring Ex.P17/salary certificate and the evidence of P.W.3-Proprietor of M/s.Anugraha Properties where the deceased was working. Thus, he would submit that in terms of Ex.P17, income of the deceased is to be assessed at Rs.25,000/- p.m. Thus, it is prayed to revise the income of the deceased and to enhance the compensation.

11. Having heard the learned counsel for the parties and on perusal of the entire appeal papers and on going through the entire records of the Tribunal, the only point which falls for our consideration is as to whether the claimants would be entitled for enhanced compensation?

12. Answer to the above point would be in the affirmative for the following reasons:

The accident that occurred on 13.03.2020 involving car bearing Registration No. KA-50/N-5271 and another Car bearing Registration No.KA-04/AB-0604 and the



accidental death of son of the claimants i.e., Kiran are not in dispute in these appeals. The insurer is in appeal before this Court questioning the quantum of compensation whereas the claimants are in appeal seeking enhancement of compensation.

13. Learned counsel for the insurer contended that the compensation awarded is on the higher side whereas learned counsel for the claimants contended that the compensation awarded is on the lower side. The deceased was working as Executive Manager at M/s.Anugraha Properties, a Proprietary Concern and Ex.P17-salary certificate was produced to establish the income of the deceased at Rs.25,000/- p.m. Further, P.W.3-Proprietor was also examined, who had placed on record the Registration Certificate, Offer Letter, Pay Slips and Ledger Extract for the period from 01.04.2016 to 09.04.2022 at Ex.P1 to Ex.P25. Ignoring those documents, the Tribunal assessed the income notionally at Rs.14,500/- p.m. which requires to be revised.



14. Admittedly, the working of the deceased at M/s.Anugraha Properties is not disputed by the insurer. Ex.P17 is the salary certificate issued by the Proprietary concern through P.W.3, the Proprietor who had placed on record a copy of the Registration Certificate of the Firm, Pay Slips, Ledger Extracts from 01.04.2016 to 09.04.2022 at Ex.P1 to Ex.P25. Ex.P17 and Ex.P21 to Ex.P25 would establish the working of the deceased at M/s.Anugraha Properties and also receiving salary in terms of Ex.P17. The contention of the insurer that no bank statement is placed on record cannot be countenanced to reject Ex.P17-salary certificate, when the claimants have examined P.W.3 who had placed on record Ex.P17 as well as Ex.P1 to Ex.P25, it is to be held that the deceased was working at M/s.Anugraha Properties and was receiving salary of Rs.25,000/-. Therefore, the Tribunal was not justified in rejecting Ex.P17 without there being any reason. The finding of the Tribunal that the Employer is not examined by the claimants to prove the avocation and



income of the deceased is not correct, when P.W.3-Proprietor of M/s.Anugraha Properties is examined.

15. The Tribunal is justified in deducting 50% of the assessed income towards personal expenses since the deceased was bachelor. As the deceased was below 40 years of age, the Tribunal has rightly awarded compensation on the head of loss of consortium as well as conventional heads.

16. In view of revising the income of the deceased on the higher side, the claimants would be entitled for modified compensation towards loss of dependency as follows:

$25000 - 50\% \text{ (personal expenses)} = 12,500$

$12500 + 40\% \text{ (future prospects)} = 17,500$

$17500 \times 12 \times 18 = 37,80,000/-$

Hence, the claimants are entitled to loss of dependency at ***Rs.37,80,000/-***. The compensation awarded on other heads remain undisturbed. The claimants are entitled to compensation as under:



1.Loss of dependency	Rs. 37,80,000/-
2.Loss of estate	Rs. 15,000/-
3.Towards filial consortium (for petitioners No.1 and 2)	Rs. 80,000/-
4.Transportation of dead body and funeral expenses	Rs. 15,000/-
Total	Rs.38,90,000/-

Thereby the claimants are entitled for enhanced compensation of Rs.15,87,600/- with interest at the rate of 6% p.a., from the date of enhancement of compensation till deposit.

17. Accordingly, we pass the following order:

MFA No.3040/2023 filed by the appellant-Insurance Company is **dismissed** whereas MFA No.4022/2023 filed by the claimants/respondents is **allowed**. The judgment and award dated 02.11.2022 passed by the Tribunal in MVC No.1581/2020 is modified. The claimants are entitled to enhanced compensation of Rs.15,87,600/- with interest at the rate of 6% p.a.



The appellant-Insurance Company is directed to deposit the enhanced compensation before the Tribunal within ***six weeks*** from the date of receipt of a copy of this judgment. The amount in deposit before this court be transmitted to the concerned Tribunal

The order of apportionment of compensation and payment shall be as ordered by the Tribunal.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

MPK
CT:RK
List No.: 1 Sl No.: 50