



CNR: KAHC010237812026

NC: 2026:KHC:45344
MFA No. 2441 of 2026
C/W MFA No. 645 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2441 OF 2026 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL No. 645 OF 2026 (MV-D)

IN MFA No. 2441/2026

BETWEEN:

1. SMT. NARAYANAMMA
W/O LATE KRISHNAPPA,
AGED ABOUT 65 YEARS,
RESIDING AT NO. 100,
THOLLI POST, CHINTAMANI,
BANGARPET,
KOLAR DISTRICT-563 101.
2. SRI. LINGAPPA,
S/O LATE PAPANMNA,
AGED ABOUT 55 YEARS,
RESIDING AT NEMAKALLU,
HEREKATTIIGENAHALLI
CHINTAMANI,
CHIKKABALLAPURA DISTRICT-563 128.

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

...APPELLANTS

(BY SRI. MUNIREDDY B, ADVOCATE)



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AND:

1. SRI. ONKAR KASWAN
S/O PURAKHARAM,
SY. NO. 13, K.NO. 1313,
HALEHALLI BENGALORE.
(OWNER OF MARUTI WAGONR CAR
BEARING REGISTRATION NO.KA-51-MS-3976).
2. THE MANAGER,
SBI GENERAL INSURANCE COMPANY., LTD.,
GROUND AND FIST FLOOR.
RUKMINI TOWERS 3-1,
PLATFORM ROAD/ RAILWAY APPROACH ROAD,
SESHADRIPURAM, BENGALURU-20.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
B PRADEEP, ADVOCATE FOR R2
V/O DTD. 13.8.26, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 20.11.2025 PASSED IN MVC NO.
3776/2023 ON THE FILE OF THE VII ADDITIONAL SMALL CAUSES
JUDGE AND ACJM, MEMBER, MACT-3, COURT OF SMALL CAUSES,
BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATIONN AND SEEKING ENHANCEMENT OF
COMPENSATION.

IN MFA NO. 645/2026:

BETWEEN:

THE LEGAL MANAGER
SBI GENERAL INSURANCE COMPANY LTD.,
GROUND & FIRST FLOOR,
NO.3/1, RUKMINI TOWERS,
PLATFORM ROAD/RAILWAY APPROACH ROAD,
SHESHADRIPURAM, BENGALURU-560 020.

...APPELLANT



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(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B. PRADEEP., ADVOCATE)

AND:

1. SMT. NARAYANAMMA
W/O LATE KRISHNAPPA,
AGED ABOUT 65 YEARS,
RESIDING AT NO.100, THOLLI POST,
CHINTAMANI, BANGARPET,
KOLAR DISTRICT-563 101.

2. LINGAPPA,
S/O LATE PAPANNA,
AGED ABOUT 55 YEARS,
RESIDING AT NEMAKALLU,
HEREKATTIIGENAHALLI,
CHINTAMANI, CHIKKABALLAPURA
DISTRICT-563 128.

3. ONKAR KASWAN,
S/O PURAKHARAM,
SY. NO. 13, K.NO.1313, HALEHALLI,
BANGALORE-560 036.

...RESPONDENTS

(BY SRI. MUNIREDDY B., ADVOCATE FOR R1 & R2
NOTICE TO R3 IS D/W V/O DTD. 30.1.2026)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:20.11.2025
PASSED IN MVC No.3776/2023 ON THE FILE OF THE VII
ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT-
3, COURT OF SMALL CAUSES, BENGALURU, AWARDED
COMPENSATION OF Rs.10,20,728/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL ITS
REALIZATION.

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



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CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.2441/2026 is filed by the claimants and MFA No.645/2026 is filed by the insurer. Both the appeals are filed challenging the quantum of compensation awarded by the Tribunal in the judgment and award dated 20.11.2025 passed in MVC No.3776/2023 by the VII Additional Small Causes Judge and Member, MACT-3, Bengaluru.

2. Even though the appeals are listed today for admission, they are taken up for disposal with the consent of learned counsel for claimants and learned counsel for insurer.

3. The claimants made a claim petition praying to award compensation for the death of Krishnappa (husband of claimant No.1 and brother of claimant No.2.) in a road traffic accident occurred on 24.01.2023 contending that the accident occurred due to rash and negligent driving of the driver of Maruti Wagon R Car bearing Regn.No.KA-51-MS-3976. The Tribunal after recording the evidence of the



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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 (After deducting 1/3 rd of the income towards personal and living expenses)	8,96,028/-
02.	Loss of spousal and filial consortium (for petitioner No.1)	48,400/-
03.	Loss of love and affection (petitioner No.2)	40,000/-
04.	Loss of estate	18,150/-
05.	Towards transportation of dead body and funeral expenses	18,150/-
	Total	10,20,728/-

4. The Tribunal has also awarded interest @ 6% p.a. from the date of petition till realization and directed the insurer to deposit the award amount with interest. The insurer has challenged the quantum of compensation awarded by the Tribunal and the claimants have filed the appeal seeking enhancement of compensation awarded by the Tribunal.

5. Heard learned counsel for the claimants and learned counsel for insurer.



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6. Learned counsel for the claimants would contend that the accident occurred in the year 2023 and therefore, the income has to be taken at Rs.16,250/- p.m. as per the chart prepared by the Karnataka State Legal Services Authority as against Rs.16,000/- taken by the Tribunal. The Tribunal has rightly taken the age of deceased as 64 years and applied multiplier '7'. The Tribunal has not added 20% escalation in consortium awarded to claimant No.2. With this he prayed to allow the appeal.

7. Learned counsel for insurer would contend that Aadhar card of the deceased has been produced at Ex.P16 as per which the date of birth is 01.01.1951 and considering the same the age of deceased is 72 years and multiplier '5' is applicable. The Tribunal erred in taking the age of 64 years without any basis. With this he prayed to allow the appeal filed by the insurer.

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



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9. The accident occurred on 24.01.2023. The claimants contended that the age of deceased was 63 years as on the date of accident. Ex.P16 is the Aadhar card of the deceased and as per it the date of birth is 01.01.1951. Ex.P8 is the PM report and as per it the age of deceased was 58 years. In spite of these documents the Tribunal has taken the age of the deceased as 64 years without any basis. While conducting the post-mortem, the age of deceased will be mentioned based on police records and there will not be any age assessment during post mortem examination. Ex.P16 is the Aadhar card and as per that the date of birth of deceased is 01.01.1951. Therefore, the age of deceased is 72 years as on the date of accident. As the age of deceased is 72 years, the multiplier applicable is '5'. Therefore, the multiplier is to be taken as '5' as against '7' taken by the Tribunal. The accident occurred in the year 2023 and for the said year the notional income fixed by the Karnataka State Legal Services Authority is Rs.16,250/- and the same is to be taken as against Rs.16,000/- taken by the Tribunal. The Tribunal has



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rightly deducted $1/3^{\text{rd}}$ towards personal expenses of the deceased since the claimants are wife and brother of deceased. In view of the same, the loss of dependency is calculated as under:

$$\text{Rs.}16,250 \times 12 = 1,95,000 - 1/3 = \text{Rs.}1,30,000/-$$

$$\text{Rs.}1,30,000 \times 5 = 6,50,000/-$$

10. The Tribunal has awarded consortium of Rs.48,400/- to claimant No.1 and Rs.40,000/- to claimant No.2 towards loss of love and affection. Since the claimants are wife and brother of the deceased, they are entitled to consortium in a sum of Rs.40,000/- each, with 20% escalation which comes to Rs. 48,000/- each, i.e. Rs.96,000/-. As the consortium is awarded to both the claimants, the claimant No.2 is not separately entitled to loss of love and affection of Rs.40,000/- awarded by the Tribunal. The Tribunal has rightly awarded loss of estate, transportation of dead body and funeral expenses.



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11. In view of the above, the claimants are entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	6,50,000/-
02.	Loss of consortium	96,000/-
03.	Funeral expenses	18,150/-
04.	Loss of estate	18,150/-
	Total	7,82,300/-

12. Considering the above aspects, the claimants are entitled to total compensation of Rs.7,82,300/- as against Rs.10,20,728/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. The Tribunal has rightly held that insurer is liable to pay the award amount with interest.

13. In view of the above, the following:

ORDER

- i) Both the appeals are allowed in part.
- ii) The claimants are entitled to total compensation of Rs.7,82,300/- as against Rs.10,20,728/-



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awarded by the Tribunal with interest @ 6% p.a.
from the date of petition till realization.

- iii) The insurer shall deposit the compensation amount with interest including the amount already deposited before the Tribunal.
- iv) If any excess amount is deposited, the insurer is entitled to refund of the same.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 1
Ct.sm