



CNR: KAHC010239682026

NC: 2026:KHC:44012
MFA No. 2523 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 2523 OF 2026

(MV-D)

BETWEEN:

1. SAROJAMMA
W/O LATE NANJUNDAPPA
@ NANJUNDAGOWDA,
AGED ABOUT 50 YEARS.
2. KAMALA K.N.
W/O MANJUNATHA,
D/O LATE NANJUNDAPPA
@ NANJUNDAGOWDA,
AGED ABOUT 36 YEARS.
3. SHEKAR K.N.
S/O LATE NANJUNDAPPA
@ NANJUNDAGOWDA,
AGED ABOUT 35 YEARS.
4. SRIKANTH K N
S/O LATE NANJUNDAPPA
@ NANJUNDAGOWDA,
AGED ABOUT 33 YEARS.
5. KAVITHA K N
W/O ANANDA,
D/O LATE NANJUNDAPPA
@ NANJUNDAGOWDA,
AGED ABOUT 31 YEARS.

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



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ALL ARE R/AT KEMBODI VILLAGE AND POST,
KOLAR TALUK, KOLAR DISTRICT - 563 103.

...APPELLANTS

(BY SRI. ASHWATH C.M, ADVOCATE)

AND:

1. P. KRISHNAJA
S/O LAKSHMI NAG ADITYA CHITTI PEDDI
R/AT NO.302, RUBY FOYER INFINIT
APTS PATTANDUR AGRAHARA MAIN ROAD,
PATTANDUR AGRAHARA,
OPP. TO GOLDEN TEMPLE
BENGALURU – 560 066.

(REGISTERED OWNER OF TATA NEXON CAR
BEARING REG. NO. KA-53-MH-1294).

2. ICICI LOMBARD GEN. INS. CO. LTD.
NO.58/1 AND 61/22, OLD MADRAS ROAD,
VIRGONAGAR POST, BENGALURU 49.
(POLICY NO. 472791/31/2013/3175)
(INSURER OF THE TATA NEXON
CAR BEARING REG. NO.KA-53-MH-1294
POLICY NO.3001/0/266307537/00/000
VALID FROM 26.11.2022 TO 25.11.2023)

REPRESENTED BY BRANCH MANAGER.

...RESPONDENTS

(BY SRI P S JAGADISH, ADVOCATE FOR R2
V/O DTD. 01.07.2026, NOTICE TO R1 I D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:19.11.2025
PASSED IN MVC No.7655/2023 ON THE FILE OF THE XIII
ADDITIONAL SMALL CAUSES JUDGE, ACJM, COURT OF SMALL
CAUSES, MEMBER, MACT - 15, BENGALURU, PARTLY



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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 the appellants/claimants seeking enhancement of compensation awarded in judgment and award dated 19.11.2025 passed in MVC No.7655/2023 by the XIII Additional Small Causes Judge and Member, MACT, Bengaluru (SCCH-15).

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. The appellants made a claim petition praying to award compensation for the death of Nanjundappa @ Nanjundagowda (husband of claimant No.1 and father of claimant Nos.2 to 4) in a road traffic accident occurred on



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16.06.2023 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-53-MH-1294. 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	9,50,400/-
02.	Funeral expenses	18,150/-
03.	Loss of estate	18,150/-
04.	Medical expenses incurred for the treatment of deceased	-
05.	Loss of consortium 48,400/- x 5	2,42,000/-
	Total	12,28,700/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellants and learned counsel for respondent No.2/insurer.



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6. Learned counsel for appellants would contend that the claimants are wife and children of the deceased and therefore, the deduction taken by the Tribunal at 50% is not proper. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that since claimant Nos.2 to 4 are two major sons and two married daughters of the deceased, the Tribunal has rightly taken deduction at 50%.

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

9. The Tribunal has taken notional income of the deceased at Rs.16,000/-p.m. and added 10% towards future prospects and deducted 50% towards personal expenses of the deceased and applied multiplier '9'. The only grievance of the appellants is with regard to deduction towards personal expenses of deceased. The deceased is married man having wife and major children. Since the deceased is a married man, even though he is



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having major children, the deduction is to be taken at $1/3^{\text{rd}}$. In view of the same, the loss of dependency is calculated as under:

$$\text{Rs.}16,000 + 1,600 (10\%) = 17,600 - 1/3 = 11,733/-$$

$$\text{Rs.}11,733 \times 12 \times 9 = \text{Rs.}12,67,164/-$$

10. The claimants are entitled to compensation under loss of dependency in a sum of Rs.12,67,164/- as against Rs.9,50,400/- as awarded by the Tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.3,16,764/- with interest at 6% p.a. from the date of petition till realisation. The compensation awarded on all other heads is just and proper and that has not been challenged by the appellants. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.



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- ii) The appellants/claimants are entitled to enhanced compensation of Rs.3,16,764/- with interest @ 6% p.a. 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 enhanced compensation amount as per the ratio determined by the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 39
Ct.sm