



CNR: KAHC010240952020

NC: 2026:KHC:46616
MFA No. 1304 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.1304 OF 2021(MV-D)

BETWEEN:

SRI KHALID
S/O LATE SRI MILLATH SHA
AGED ABOUT 31 YEARS,
R/O PAHKIER BEEDI
DANTARAMAKKI EXTENSION
JYOTHINAGAR POST,
CHIKKAMAGALURU CITY - 577 102

...APPELLANT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. VINOD GOWDA, ADVOCATE)

AND:

1. SRI DILEEPA N.M
S/O SRI MULLE GOWDA
AGED ABOUT 33 YEARS,
R/O NEETEKEREHALLI VILLAGE,
KURUVANGI POST,
CHIKKAMAGALURU - 577 101.
2. SRI PUTTASWAMY H.C
S/O SRI CHANDRAIH
AGED ABOUT 49 YEARS,
R/O HIREKOLALE VILLAGE AND POST,
CHIKKAMAGALURU DISTRICT - 577 101



NC: 2026:KHC:46616
MFA No. 1304 of 2021

CNR: KAHC010240952020

3. THE MANAGER
NATIONAL INSURANCE CO LTD.,
BRANCH OFFICE
R.G.ROAD,
CHIKKAMAGALURU - 577 101.
4. SRI RAMESHA N.C
S/O SRI CHANDRE GOWDA
AGED ABOUT 21 YEARS,
R/O NETTEKEREHALLI VILLAGE
KURUVANGI POST,
CHIKKAMAGALURU TALUK - 577 101.

...RESPONDENTS

(BY SRI. E.I. SANMATHI, ADVOCATE FOR R3,
VIDE ORDER DATED 16.04.2025, APPEAL STANDS
DISMISSED AGAINST FOR R1 & R2,
NOTICE DISPENSED WITH R2)

THIS MFA IS FILED U/S.173(1) OF THE MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.23.06.2020 PASSED IN MVC
NO.81/2019 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE
AND CJM, MEMBER, MACT, CHIKKAMGALURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT.

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



CNR: KAHC010240952020

NC: 2026:KHC:46616
MFA No. 1304 of 2021

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The appeal is filed seeking enhancement of compensation awarded by the Tribunal vide judgment and award dated 23.06.2020 in MVC.No.81/2019 for the accidental death of Mastana Bee.
2. It is not in dispute that as a result of the motor vehicle accident which occurred on 19.01.2018, Mastana Bee, 65 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 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 Mastana Bee. The Tribunal has thereafter proceeded to award the following sums as compensation:



NC: 2026:KHC:46616
MFA No. 1304 of 2021

CNR: KAHC010240952020

Sl. No.	Particulars	Amount in (Rs.)
1.	Medical expenses and hospital charges	12,000
2.	Attendant charges	8,000
3.	Food and nourishment	10,000
4.	Conveyance charges	10,000
5.	Loss of love and affection	15,000
6.	Loss of estate	30,000
7.	Transportation and funeral expenses	15,000
	Total	1,00,000

5. Aggrieved by the same, the claimant is before this Court in this appeal.

6. Heard the learned counsel for both the parties and perused the material on record.

7. Learned counsel for the claimant would contend that the Tribunal has erred in not awarding any compensation towards loss of dependency and has also erred in awarding meagre compensation under all the heads. As such, the



CNR: KAHC010240952020

same requires interference at the hands of this Court. Accordingly, he would pray for allowing of the appeal.

8. *Per contra*, learned counsel for the insurer would contend that the Tribunal has rightly not awarded any compensation towards loss of dependency since the claimant is the major son of deceased and he was not financially dependent on the deceased. Accordingly, he would pray for dismissal of the appeal.

9. I have given my anxious consideration to the submissions of learned counsel for both the parties.

10. As could be gathered from records, the claimant is the major son of deceased and based on that the Tribunal has not awarded any sums towards loss of dependency. The Hon'ble Supreme Court in the case of **JITENDRA KUMAR Vs. SANJAY PRASAD - 2025 Supreme (Online) Supreme Court 5470**, referring to the judgments in **SEEMA RANI & OTHERS VS. ORIENTAL INSURANCE CO. LTD. & OTHERS - 2025 SCC Online Supreme Court 283** and



CNR: KAHC010240952020

NC: 2026:KHC:46616
MFA No. 1304 of 2021

NATIONAL INSURANCE CO. LTD. VS. BIRENDER - (2017)

16 SCC 680, has awarded loss of dependency based on the exposition of law in **Birender's** case, wherein it was observed as under:

"It is thus settled by now that the legal representatives of the deceased have a right to apply for compensation. Having said that, it must necessarily follow that even the major married and earning sons of the deceased being legal representatives have a right to apply for compensation and it would be the bounden duty of the Tribunal to consider the application irrespective of the fact whether the legal representative concerned was fully dependent on the deceased and not to limit the claim towards conventional heads only."

Thus, the claimant is entitled for compensation under loss of dependency. However, since he is major, 50% requires to be deducted towards personal and living expenses.



11. As regards the income of the deceased, since there is no credible evidence to ascertain the actual monthly income, it would be appropriate and prudent to adopt the monthly income determined by Karnataka State Legal Services Authority, which, for the accident of the year 2018, would be Rs.12,500/-.

12. Since the deceased was aged 65 years old, no future prospects is to be added.

13. As held above, 50% requires to be deducted towards personal expenses, which would result in the income to be Rs.6,250/- (12,500/- - 50%). The income of the deceased for the purposes of determining the loss of dependency would thus be **Rs.6,250/-**.

14. As the deceased was aged 65 years, a multiplier of '7' would have to be applied.



CNR: KAHC010240952020

NC: 2026:KHC:46616
MFA No. 1304 of 2021

15. Consequently, the claimants would be entitled to a sum of **Rs.5,25,000/-** (Rs.6,250 x 12 x 7) towards "*loss of dependency*".

16. The claimant, being son of the deceased, he would be entitled to a sum of **Rs.48,400/-** towards "*loss of consortium*" and he would also be entitled to a sum of **Rs.36,300/-** under the "*conventional heads*".

17. The sum awarded as medical expenses at **Rs.12,000/-** being based on the documentary evidence, do not call for modification and hence confirmed.

18. 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	5,25,000
2.	Loss of Consortium	48,400
3.	Conventional Heads	36,300
4.	Medical expenses	12,000



CNR: KAHC010240952020

NC: 2026:KHC:46616
MFA No. 1304 of 2021

	Total	6,21,700
--	--------------	-----------------

19. Consequently, the claimants would be entitled for compensation of **Rs.6,21,700/-** as against Rs.1,00,000/- awarded by the Tribunal. The enhanced compensation shall carry 6% interest per annum from the date of petition till its realization.

20. The Insurance Company is directed to deposit the amount of compensation awarded within a period of six weeks from the date of receipt of a certified copy of this judgment.

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

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

**SD/-
(RAJESH RAI K)
JUDGE**