



CNR: KAHC010250022025

NC: 2026:KHC:40183
MFA No. 2782 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2782 OF 2025

(MV-D)

BETWEEN:

SMT. REETHA T
AGED ABOUT 32 YEARS
W/O LATE ANIL KUMAR R
R/A No.03/02, 9TH CROSS
GAYATHRI NAGAR
H.S.K. MAIN ROAD
BYATARAYANAPURA
BENGALURU – 560 026.

PERMANENT ADDRESS:
No.52, MARAGOWDANAHALLI
KEREGODU HOBLI
KRISHNARAJAPURA TALUK
MANDYA DISTRICT – 571 446.

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

...APPELLANT

(BY SRI NAGARAJA REDDY D, ADVOCATE)

AND:

1. AJITH M B
MAJOR
S/O M S BALAGANGADHAR



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R/A No.170, 36TH A CROSS
NEAR NATIONAL COLLEGE
JAYANAGAR, 7TH BLOCK
B S K 2ND STAGE, JAYANAGARA
BENGALURU – 560 070.

2. TATA AIG GENERAL INSURANCE CO. LTD.,
REGIONAL OFFICE, 2ND FLOOR
JP AND DEVI JAMBUKESHWAR ARCADE
No. 69, MILLERS ROAD
BENGALURU – 560 052.
REP. BY ITS MANAGER.

3. SMT. BHAGYAMMA
AGED ABOUT 56 YEARS
W/O LATE RAJANNA H
R/A No. 03/02
9TH CROSS, GAYAHTRI NAGAR
H.S.K.MAIN ROAD
BYATARAYANAPURA
BENGALURU – 560 026.

PERMANENT ADDRESS
No. 52, MARAGOWDANAHALLI
KERAGODU HOBLI
KRISHNARAJAPURA TALUK
MANDYA DISTRICT – 571 446.

4. M R SUNIL KUMAR
AGED ABOUT 39 YEARS
S/O LATE RAJANNA H
R/O MARAGOWDANAHALLI
KEREGODU HOBLI
KRISHNARAJAPURA TALUK
MANDYA DISTRICT – 571 446.

5. SMT. SUMA M R
AGED ABOUT 36 YEARS
W/O NANDAN N
D/O LATE RAJANNA H



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R/O SIMHADRI NILAYA
VOKKADI ROAD, HEGGURU
KUVEMPU CIRCLE, TUMKUR.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
SMT. MEGHA SUNIL, ADVOCATE FOR
SRI G B SHARATH GOWDA, ADVOCATE FOR R3 TO R5
V/O DTD. 21.04.2025, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:30.11.2024
PASSED IN MVC No. 503/2022 ON THE FILE OF THE CHIEF
JUDGE, COURT OF SMALL CAUSES, MEMBER, PRINCIPAL
MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU (SCCH-1),
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

1. This appeal is filed by claimant No. 1 seeking
enhancement of the compensation and also challenging
the ratio in the share of compensation among claimant
Nos. 1 and 2 awarded in judgment and award dated
30.11.2024 passed in MVC No. 503/2022 by the Chief



Judge, Court of Small Causes and Member, Principal
MACT, Bengaluru, (SCCH-1).

2. Even though the matter is listed for `Admission`
today, with the consent of the learned counsel appearing
for the appellant, learned counsel for respondent No. 2 –
Insurer and learned appearing for respondent Nos. 3 to 5
it is taken up for disposal.

3. Appellant - claimant No.1 and respondent Nos.
3 to 5 – claimant Nos. 2 to 4 made a claim petition praying
to award compensation for the death of Anil Kumar R., in a
road traffic accident that occurred on 31.12.2021
contending that the accident occurred due to the rash and
negligent driving by the milk tanker bearing registration
No.KA-51-B-6221. The Tribunal after recording evidence,
appreciating the evidence on record, assessed the
compensation and awarded compensation under different
heads as under:

Loss of dependency	Rs.38,64,060.00
Loss of estate	Rs.16,500.00



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Funeral expenses	Rs.16,500.00
Consortium	Rs.88,000.00
Total	Rs.39,85,060.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 1 – Insurer to deposit the said award amount with interest. The Tribunal also held that claimant Nos. 1 and 2, i.e., appellant herein and respondent No.3 are entitled to equal share in the compensation amount. Claimant No.1 – appellant herein seeking enhancement of the compensation and challenging the ratio of share in the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant No.1, learned counsel for respondent No.1 – Insurer and learned counsel for respondent Nos.3 to 5 – claimant Nos.2 to 4.

6. Learned counsel for appellant - claimant No.1 would contend that the deceased was working in Bell Fast



Management Private Limited and his pay slip is at Ex.P.18 which indicate that his gross salary was Rs.29,400/- out of which professional tax of Rs.200/- was deducted. The Tribunal has erred in deducting HRA and Bonus and taking the income of the deceased at Rs.23,000/-. He further submits that claimant No. 2 – respondent No.3 – mother of the deceased is residing with respondent No.4 and she is not solely dependent on the deceased. Respondent No.4 is son of respondent No.3 doing agriculture and having 7 acres of agricultural lands and respondent No. 5 is the daughter of respondent No.3 and she is in service in a government department. Considering the same, claimant No. 1 / appellant is entitled to higher share in the compensation amount. With this he prayed to allow the appeal.

7. Learned counsel for respondent No. 2 - Insurer would contend that income taken by the Tribunal is just and proper. Compensation awarded under other heads are just and proper and there are no grounds of enhancement.



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8. Learned counsel for respondent Nos. 3 to 5 – claimant Nos.2 to 4 would contend that respondent No. 3 was claimant No. 2 before the Tribunal and she has been rightly awarded 50% share in the compensation amount. She is a cancer patient and she has already withdrawn 30% of compensation amount for her treatment and she is residing alone and there is no other person to take care of her. with this she prayed to dismiss the appeal.

9. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

10. Deceased was working in Bell Fast Management Private Limited. Ex.P.18 is pay slip for the month of December, 2021. The accident occurred on 31.12.2021. Ex.P.18 is the last pay slip of the deceased. Said pay slip indicate that basic + VDA is Rs.21,883/-, HRA is Rs.6,267/- and Bonus is Rs.1,250/- and his total monthly earning is Rs.29,400/-. Deductions are, employees provident fund, professional tax and employees LWF. Out



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of the said deductions only deduction towards professional tax in a sum of Rs.200/- is to be taken to ascertain the net salary of the deceased. The Tribunal has erred in deducting HRA and Bonus while calculating the salary. Therefore, income of the deceased is Rs.29,200/- (29400 – 200).

11. The Tribunal has rightly applied multiplier of 15, deducted $1/3^{\text{rd}}$ towards personal expenses of the deceased and added 40% towards future prospects. In view of the same, 'loss of dependency' is calculated as under:

$$29200 + 11680 (40\%) = 40880$$

$$40880 - 13357 (1/3^{\text{rd}}) = 27253$$

$$27253 \times 12 \times 15 = 49,05,540/-$$

12. The Tribunal has rightly awarded compensation under conventional heads.

13. In view of the above, total compensation is calculated as under:

Loss of dependency	Rs.49,05,540.00
Loss of estate	Rs.16,500.00



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Funeral expenses	Rs.16,500.00
Consortium	Rs.88,000.00
Total	Rs.50,26,540.00

14. Claimants are entitled to total compensation of Rs.50,26,540/- with interest as against Rs.39,85,060/- awarded by the Tribunal.

15. Appellant is the wife – widow of the deceased and she was claimant No.1 before the Tribunal. Respondent No.3 is the mother of deceased and she was claimant No.2 before the Tribunal. The Tribunal has awarded equal share to claimant Nos.1 and 2 in the compensation awarded. Respondent No.3 – claimant No.2 was examined as P.W.3 and in her cross-examination she has admitted that she was residing with her another son Sunil Kumar (claimant No. 3) and her daughter – Suma (claimant No.4) is married and she is in government service. She has also admitted that her son Sunil Kumar (claimant No. 3) is doing agriculture and they are owning 5 to 6 acres of land in village growing sugarcane and



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paddy. Considering the said aspect, respondent No.3 – claimant No.2 is not solely dependent on the deceased. The claimant being wife, was Solely dependent on the deceased. Considering the said aspect equal share of compensation among claimant Nos.1 and 2 as held by the Tribunal requires to be modified and it is held that claimant No.1 who is appellant herein is entitled to 70% and claimant No.2 who is respondent No.3 here in is entitled to 30% share in the compensation awarded.

16. In view of the above, the following;

ORDER

- i) Appeal is allowed in part.
- ii) Claimants are entitled to total compensation of Rs.50,26,540/- as against Rs.39,85,060/- awarded by the Tribunal with interest at the rate of 6% from date of petition till the date of realization.
- iii) Appellant - claimant No.1 is entitled to 70% and respondent No.3 – claimant No.2 is entitled to 30% share in the total compensation awarded.



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- iv) Appellant and respondent No.3 are entitled to release of their share in the compensation awarded.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 SI No.: 52
Ct.sm