



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH 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.2606 OF 2026(MV-D)

BETWEEN:

1. SMT MADEVI MANJUNATH MOGER
W/O. MANJUNATH MOGER,
AGED ABOUT 54 YEARS.
2. SRI MANJUNATH GOVINDA MOGER,
S/O. GOVINDA MOGER,
AGED ABOUT 62 YEARS.
3. SRI DEVENDRA M. MOGER,
S/O. MANJUNATH MOGER,
AGED ABOUT 30 YEARS.
4. SRI YOGESH MANJUNATH MOGER,
S/O. MANJUNATH MOGER,
AGED ABOUT 31 YEARS.

ALL ARE RESIDING AT
ALIVEKODI, SHIRALI,
BHATKAL TALUK,
U.K. DISTRICT-581 320.

PRESENTLY RESIDING AT
C/O. GANESH ACHARYA,
UMMAKA COMPOUND,
MUDUPALIMAR,
PALIMAR POST,
UDUPI TALUK AND DIST.-576 101.

...APPELLANTS

(BY SRI. NAGARAJA HEGDE, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



AND:

1. SRI MANJUNATH BHEEMA GONDA
S/O. BHEEMA GONDA,
AGED ABOUT 38 YEARS,
R/AT SAMPANA KERI,
HEBLE, JAALI, BHATKAL TALUK,
U.K. DISTRICT-581 320.
2. THE UNITED INDIA INSURANCE CO., LTD.,
DIVISIONAL OFFICE
JEWEL PLAZA, MARUTHI VEETHIKA,
UDUPI-576101
KUNDAPURA-576201
REP. BY ITS
DIVISIONAL MANAGER.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED. 19/01/2026 PASSED IN MVC
NO. 1228/2023 ON THE FILE OF THE II ADDL. SENIOR CIVIL
JUDGE AND ADDL. MACT. AT UDUPI, 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 S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

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

The claimants, being not satisfied with the quantum of
compensation awarded under the judgment and award dated
19.01.2026 in M.V.C.No.1228/2023 on the file of II Addl.



Senior Civil Judge and Addl. MACT at Udupi (for short 'the Tribunal') are before this Court with a prayer for enhancement of compensation.

2. The claimants i.e., parents and brothers of deceased-Janardhan Manjunath Moger filed claim petition under Section 166 of Motor Vehicles Act (for short 'the Act'), claiming compensation for the accidental death of said Janardhan Manjunath Moger in a road traffic accident that took place on 18.03.2023 involving motorcycle bearing Reg.No.KA-47/U-8749. It is stated that the deceased was aged 30 years and earning a sum of Rs.35,000/- per month by avocation of driving.

3. On issuance of notice, respondent No.1 was placed *ex-parte* and respondent No.2-Insurance Company appeared and filed its statement of objections by admitting the policy. It is further stated that the amount of compensation claimed is highly exorbitant.

4. The claimant No.1-mother of the deceased examined herself as PW.1 and also examined one witness as



PW.2 and marked 26 documents as Exs.P1 to P26. No evidence was led in by respondent No.2-Insurance Company.

5. The Tribunal, on appreciation of material on record, awarded total compensation of Rs.26,30,289/- along with interest at 6% per annum from the date of petition till its realization. While awarding the above compensation, the Tribunal assessed the notional income of the deceased at Rs.16,000/- and added 40% of the annual income towards future prospects and adopted multiplier of '17'. Being not satisfied with the quantum of compensation awarded by the Tribunal, the claimants are before this Court.

6. Heard learned counsel Sri Nagaraja Hegde for the appellants and learned counsel Sri S.V. Hegde Mulkhand for respondent No.2. Perused the entire appeal papers and also the certified copies of the documents made available by the appellants during the course of trial.

7. Learned counsel Sri Nagaraja Hegde for the appellants would submit that the Tribunal committed an error in assessing the notional income of deceased at Rs.16,000/- per month. It is submitted that the deceased was a driver and



earning a sum of Rs.35,000 per month. Learned counsel for the appellants would further submit that the claimants have placed on record Ex.P10 - copy of Pan Card, Ex.P20-driving license of the deceased and Ex.P21-salary certificate to establish the income of deceased at Rs.35,000 per month, however, he submits that the Tribunal without evaluating the documentary evidence placed on record, solely on the ground that the author of salary certificate-Ex.P21 was not examined, rejected those documents and assessed the notional income at Rs.16,000/- per month, which is wholly erroneous and against the materials available on record.

8. Learned counsel would also submit that the income of deceased requires to be assessed on the higher side taking note of Exs.P19 to P21. Further, he would submit that the Tribunal has also committed an error in awarding consortium. Thus, he would pray for allowing the appeal.

9. Learned counsel appearing for respondent No.2 would submit that the quantum of compensation awarded by the Tribunal is just compensation, which requires no interference. Further, he would submit that the income of deceased assessed at Rs.16,000/- per month is proper and



correct in the absence of any cogent evidence to establish the income of deceased. It is further submitted that as the claimants have failed to examine the author of Ex.P21-salary certificate, the Tribunal is justified in rejecting the said Ex.P21. Thus, he would pray for dismissal of the appeal.

10. On hearing the learned counsel for the parties and on perusal of the entire material on record, the only point which falls for consideration is as to whether the claimants are entitled for enhanced compensation?

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

The accident that occurred on 18.03.2023 involving motorcycle bearing registration No.KA-47/U-8749 and accidental death of son of claimants Nos.1 and 2 is not in dispute in this appeal. The claimants being not satisfied with the quantum of compensation, praying for enhancement of compensation are before this Court in this appeal. Respondent No.2-Insurance Company has admitted the policy and satisfied the award.



12. Learned counsel for the appellants contended that the income of the deceased assessed by the Tribunal at Rs.16,000/- per month is on lower side. On perusal of Exs.P19 to P21, we are of the considered opinion that the Tribunal was not justified in assessing the notional income of the deceased at Rs.16,000/- per month. Ex.P19 is the Pan Card of the deceased, Ex.P20 is the driving license of the deceased and Ex.P21 is the salary certificate of deceased. Exs.P20 and P21 would establish that the deceased had valid driving license as on the date of death and also it established that the deceased was working as a driver. However, the claimants have failed to prove the income of deceased at Rs.35,000/- per month as indicated in Ex.P21, by examining the author of said document. In the said circumstances, the Tribunal ought to have assessed the income of deceased on the higher side and could not have assessed the income of the deceased notionally. Taking note of Exs.P19 to P21, we deem it appropriate to reassess the income of deceased at Rs.20,000/- per month. Since deceased was aged about 30 years, appropriate multiplier would be '17' and 40% of the annual income towards requires to be added towards future prospects and as he was a bachelor, 50% requires to be deducted towards personal expenses. In view of



the reassessment of monthly income of the deceased, the claimants would be entitled for modified compensation under the head of loss of dependency at **Rs.28,56,000/-** (Rs.20,000 + 40% - 50% X 12 X 17).

13. The claimants are parents and brothers of the deceased. The Tribunal awarded Rs.40,000/- each with increase at 10% on the head of loss of consortium to claimant Nos.1 and 2. However, the Tribunal has failed to award compensation under the head of consortium to claimant Nos.3 and 4 i.e., the brothers of deceased, who would be entitled for Rs.40,000/- plus enhancement on the head of consortium, since they have lost the love and affection of deceased brother.

14. The amount awarded by the Tribunal under other heads, being just and proper, are affirmed.

15. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums:

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Loss of Dependency	22,84,800	28,56,000
2.	Funeral and	18,000	18,000



	Transportation		
3.	Consortium	96,000	1,92,000
4.	Loss of Estate	15,000	15,000
5.	Medical Expenses	2,16,489	2,16,489
	Total	26,30,289	32,97,489

16. Accordingly, we pass the following order:

The appeal is ***allowed-in-part***. The impugned judgment and award dated 19.01.2026 in M.V.C.No.1228/2023 on the file of II Addl. Senior Civil Judge and Addl. MACT at Udupi is hereby modified and the claimants are held entitled to total compensation of ***Rs.32,97,489/-*** as against Rs.26,30,289/- awarded by the Tribunal, with interest at the rate of 6% per annum.

The apportionment and deposit as ordered by the Tribunal is not disturbed.

**SD/-
(S.G.PANDIT)
JUDGE**

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