



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 3441 OF 2023 (MV-D)

BETWEEN:

1. SMT. LAKSHIMIDEVI
W/O LATE C.T. MANJUNATHA
AGED ABOUT 31 YEARS,
2. C.M. PUNYA
D/O LATE C.T. MANJUNATHA
AGED ABOUT 13 YEARS,
3. C.M. KUMARASWAMY
S/O LATE C.T. MANJUNATHA
AGED ABOUT 10 YEARS,

APPELLANT NO.2 AND 3 IS THE MINOR
REPRESENTED BY 1ST APPELLANT MOTHER
AS NATURAL GUARDIAN.

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA

4. THOPAIAH
S/O LATE KEMPAIAH
AGED ABOUT 72 YEARS
5. RATHNAMMA
W/O THOPAIAH
AGED ABOUT 62 YEARS
6. C.T. RAMESH
S/O THOPAIAH
AGED ABOUT 26 YEARS (BACHELOR)



ALL ARE RESIDING AT
CHIKKABELLAVI VILLAGE,
BELLAVI HOBLI,
TUMKURU TALUK DISTRICT - 572 101.

...APPELLANTS

(BY SRI. MALLIKARJUN DODDABASAVARAJAPPA
RYAKHA, ADVOCATE)

AND:

1. MR. RAKESH. T. R.
S/O RAMAMURTHY
AGED ABOUT 28 YEARS,
R/AT WARD NO.7, THOTADASALU
CHIKKAPETE, TUMKURU TOWN,
TUMKURU TALUK DISTRICT - 572 101.
2. THE MANAGER
UNITED INDIA GENERAL INS CO. LTD.,
B.H. ROAD, TUMKURU - 572 101.

...RESPONDENTS

(BY SRI. RAJENDRA HEGDE, ADVOCATE FOR
SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R3;
R1 SERVED, UNREPRESENTED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.22.02.2023 PASSED IN MVC
NO.261/2021 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND MACT-XI, TUMAKURU, 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 DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri. M.D.Ryakha, learned counsel for the appellants who appears before this Court physically. Also heard Sri. Rajendra Hegde who appears through video conference and represents Sri. S.V.Hegde Mulkhand, learned counsel for respondent No.2. Though notice was served upon respondent No.1, respondent No.1 has not chosen to contest the matter.

2. Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal - XI, Tumakuru in M.V.C. No.261/2021 dated 22.02.2023.

3. This is a claimants appeal. The first appellant being the wife, appellant Nos.2 and 3 being minor children, appellant No.4 being the father, appellant No.5 being the mother and appellant No.6 being the brother of the deceased C.T.Manjunatha who died in a road traffic accident that occurred in the year 2021 filed a petition



claiming compensation of Rs.80,00,000/- in total. The Tribunal through impugned order, held that appellants are entitled to a sum of Rs.22,25,000/- as compensation. The version of the appellants is that they are entitled to a higher sum.

4. Arguing on the merits of the matter, learned counsel for the appellants submits that appellants are aggrieved only by failure on part of Tribunal to add future prospects. Learned counsel states that the deceased Manjunatha was aged around 38 years as on the date of accident and hence future prospects are required to be added.

5. Learned counsel who represents respondent No.2 seeks the Court to dispose of the matter on merits.

6. As rightly contended by learned counsel for appellants, Tribunal failed to add future prospects. As the deceased Manjunatha died at the age of 38 years, as per the decision of the Hon'ble Apex Court in National Insurance



Company Limited vs. Pranay Sethi reported in (2017) 16 SCC 680, 40% of earnings are required to be added towards 'future prospects'. Thus on adding 40% towards future prospects and without disturbing other parameters i.e., notional income taken by Tribunal as Rs.15,000/- p.m., deducting $\frac{1}{4}^{\text{th}}$ of earnings towards 'personal and living expenses' which the deceased Manjunatha would have incurred for himself had he been alive and on applying appropriate multiplier '15', the compensation which the appellants are entitled towards 'loss of dependency' will be Rs.28,35,000/- ($\text{Rs.15000} \times 12 + 40\% - \frac{1}{4} \times 15$). The Tribunal through the impugned order held that appellants are entitled to a sum of Rs.20,25,500/- only towards loss of dependency. Thus the appellants are entitled to an additional sum of Rs.8,09,500/- ($\text{Rs.28,35,000} - \text{Rs.20,25,500}$). Therefore, the appeal is disposed of with the following:

ORDER

- i) The appeal is allowed in part.



- ii) The compensation that is granted by the Motor Accident Claims Tribunal - XI, Tumakuru through orders in M.V.C.No.261/2021 dated 22.02.2023 is enhanced by Rs.8,09,500/-. The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit.
- iii) Respondent No.2 is directed to deposit the enhanced sum within a period of 08 weeks from the date of receipt of certified copy of this judgment.
- iv) The order of pay and recovery applies to enhanced sum as well.
- v) The apportionment made by the Tribunal applies to enhanced sum as well.
- vi) On deposit, appellant Nos.1, 4 and 5 are permitted to withdraw their respective shares.
- vii) The amount that falls to the share of appellant Nos.2 and 3 shall be kept in any interest yielding fixed deposit scheme of any nationalized bank till they attain age of majority.



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viii) On they attaining age of majority, they are entitled to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

KA
List No.: 1 SI No.: 45