



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.4984 OF 2021(MV-I)

BETWEEN:

SMT.PUSHPA,
W/O RAJENDRA,
AGED ABOUT 33 YEARS,
D/O.LATE NARAYANAMMA,
R/AT NO.357, 2ND CROSS,
OM SHAKTHI TEMPLE,
PRIYANKA NAGARA, SEEGEHALLI,
K.R.PURA, VIRGONAGARA,
BENGALURU – 560 040.

...APPELLANT

(BY SRI. SURESH MAHALINGAPPA LATUR., ADVOCATE)

AND:

THE MANAGING DIRECTOR,
KSRTC, K.H.ROAD,
SHANTHINAGARA,
BENGALURU – 560 027.

...RESPONDENT

(BY SRI. VIJAYAKUMAR, ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:01.04.2021
PASSED IN MVC NO. 552/2018 ON THE FILE OF THE II
ADDITIONAL JUDGE AND XXVIII ACMM, COURT OF SMALL
CAUSES, M.A.C.T., BENGALURU (SCCH.13), PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.



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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal is by claimant seeking enhancement of compensation, arising out of Judgment and Award dated 01.04.2021 passed by the II Addl. Judge & XXVIII Addl. Chief Metropolitan Magistrate, Court of Small Causes, Motor Vehicles Accident Claims Tribunal, Bengaluru (SCCH-13)¹ in M.V.C.No.552/2018.

2. The Tribunal vide impugned Judgment and award, partly allowed the claim petition and awarded compensation of Rs.4,25,000/- with interest @ 9% per annum from the date of petition till realization.

3. The parties are referred to as per their ranking before the Tribunal.

¹ The Tribunal, for short



4. The date of accident, involvement of vehicle, death of Smt.Narayanamma and liability to pay compensation are not in dispute. The only dispute is with regard to quantum of compensation.

5. Heard, Sri.Suresh Mahalingappa Latur, learned counsel appearing for the appellant- claimant and Sri.D.Vijayakumar, learned counsel appearing for the respondent Corporation.

6. Sri.Suresh M.Latur, learned counsel appearing for the claimant argued only on one ground i.e., as per Paragraph No.15 of the Judgment of the Tribunal, the deceased was residing along with the claimant in her family and contributing her entire income which she was earning at the time of her death to the family of the claimant. As such, there is an income to the family which has been lost due to untimely death of Narayanamma. The Tribunal having considered this aspect of the matter, however awarded compensation only by taking



dependency to the extent of 1/4th i.e., under head 'Loss of Estate' which is not appropriate in terms of settled position of law by the Hon'ble Supreme Court in several judgments and sought to allow the appeal and enhance the compensation.

7. Per contra, Sri.D.Vijayakumar, learned counsel appearing for the Corporation with all vehemence submits that the claimant is the married daughter residing along with her husband elsewhere and she was not depending on the income of the deceased. However, the Tribunal having considered the entire aspect of the matter, awarded compensation under the head 'Loss of estate'. As such, she is not entitled for any compensation than the one already been awarded by the Tribunal and sought to dismiss the appeal.

8. Having considered the rival submissions, this Court has perused the entire material placed on record in the appeal memorandum.



9. It is no doubt that, the Tribunal at Page No.12, paragraph No.15 of its Judgment has dwell upon Ex.P13 – Ration Card, which clearly indicates that Narayanamma was residing along with the claimant and she was vending vegetables and earning Rs.15,000/- per month as per the contention of the claimant and she was contributing entire income to the welfare of the family of the claimant. The Tribunal having considered this aspect of the matter, however awarded compensation taking income at Rs.10,000/- per month, had taken income contribution to the family at 1/4th and awarded compensation of Rs.3,30,000/- under the head 'Loss of Estate'.

10. Further, the Tribunal has erred in not taking future prospectus. Since the deceased was aged between 51 to 55 years, the claimant is also entitled 10% towards future prospectus, which the Tribunal has failed to consider. Further, this Court after perusing the Judgment is of the considered opinion that the Tribunal ought to have considered the case for awarding compensation



under 'Loss of dependency' since the income earned by the deceased during her lifetime was used towards the welfare of the family of the claimant, as a family income, which was lost by the claimant.

11. Further, the year of accident was 2017, as per the chart prepared by the Karnataka State Legal Services Authority, in the absence of any income proof, the income fixed under the chart for the accident occurred in the year 2017 is Rs.11,000/- per month, the Tribunal ought to have considered the income at Rs.11,000/- per month, however the Tribunal has considered the income at Rs.10,000/- per month, which requires enhancement. Further, the personal expenses of the deceased should have been considered at 50% of the income, as the claimant was the only survivor of the deceased as the income earned by the deceased was contributed to the family welfare and that was lost due to her death. Moreover, in view of settled position of law by the Hon'ble Supreme Court, the claimant is also



entitled for 10% escalation on the Conventional heads for every completed three years for two terms.

12. Having considered the higher income, loss of dependency, deduction towards personal expenses & 10% escalation, the compensation awarded by the Tribunal requires reconsideration and re-assessment, which is as follows:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	-	7,98,600-00 (11,000+10% $\times$ 12 $\times$ 11 $\times$ 50%)
2.	Loss of filial consortium	40,000-00	40,000-00
3.	Loss of estate	3,30,000-00	15,000-00
4.	Medical expenses	45,000-00	45,000-00
5.	Funeral expenses	15,000-00	15,000-00
6.	20% escalation on two terms of three completed years.	-	14,000-00
	TOTAL	Rs.4,30,000-00	Rs.9,27,600-00

13. Accordingly, the claimant is entitled for reassessed compensation of Rs.9,27,600/-, as against Rs.4,30,000/- awarded by the Tribunal. The enhanced compensation would be Rs.4,97,600/- (9,27,600 -



4,30,000) rounded off at **Rs.4,98,000/-**, which shall carry interest @ 6% per annum from the date of petition till realization.

14. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The Judgment and Award dated 01.04.2021 passed by the II Addl. Judge & XXVIII Addl. Chief Metropolitan Magistrate, Court of Small Causes, Motor Vehicles Accident Claims Tribunal, Bengaluru (SCCH-13) in M.V.C.No.552/2018 is modified and the compensation is reassessed.
- (iii) The Claimant is entitled for enhanced compensation of **Rs.4,98,000/-** with interest @ 6% per annum from the date of petition till realization.



- (iv) Respondent – Corporation shall deposit the entire enhanced compensation along with interest supra before the concerned Tribunal within six weeks from the date of receipt of certified copy of this order.
- (v) Upon deposit, entire amount be released in favor of the claimant on proper identification.
- (vi) The Trial Court Record secured if any, shall be transmitted forthwith to the concerned Tribunal.
- (vii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

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List No.: 1 Sl No.: 3
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