



CNR: KAHC010266882023

NC: 2026:KHC:43759
MFA No. 3636 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.3636 OF 2023(MV-D)

BETWEEN:

1. SMT. NAGARATHNA,
W/O LATE G.R. MUNIVENKATAPPA,
NOW AGED ABOUT 60 YEARS,
RESIDING AT M V EXTENSION,
3RD CROSS, BEHIND SUJATHA,
KALYANA MANTAP,
HOSAKOTE TOWN,
BANGALORE RURAL DISTRICT.
2. SRI. G.M. RAGHUNATH,
S/O LATE G.R. MUNIVENKATAPPA,
NOW AGED ABOUT 42 YEARS,
RESIDING AT WARD NO.19,
AERO PRIDE LAYOUT,
VIJAYAPURA ROAD,
DEVANAHALLI,
BANGALORE RURAL DISTRICT.

...APPELLANTS

(BY SRI. GOPAL KRISHNA N., ADVOCATE FOR
SMT. SUSHMITHA G., ADVOCATE)

AND:

1. M/S. VENKATESHWARA HATCHERIES PVT. LTD.,
SITE NO.6, GANESH CHAMBERS,
3RD FLOOR, DODDABANASWADI MAIN ROAD,
NEAR RAMAMURTHY NAGAR SIGNAL,

Digitally
signed by
REKHA R
Location:
High
Court of
Karnataka



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BANGALORE - 560 043.
REP BY ITS PROPRIETOR.

2. THE NEW INDIA ASSURANCE CO. LTD.,
MOTOR TP HUB,
MAHALAKSHMI CHAMBERS,
NO.9, 2ND FLOOR, M.G. ROAD,
BENGALURU - 560 001.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI. H.R. RENUKA, ADVOCATE FOR R2,
VIDE ORDER DATED 13.08.2026 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD DATED
17.08.2022 PASSED IN MVC NO.4470/2020 ON THE FILE OF
THE CHIEF JUDGE, COURT OF SMALL CAUSES, MEMBER
PRINCIPAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU,
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 T.M.NADAF



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ORAL JUDGMENT

This appeal is by claimant seeking enhancement of compensation arising out of judgment and award dated 15.09.2021, in MVC.No.2871/2018 passed by the VIII Additional Small Causes Judge and Motor Accident Claims Tribunal (SCCH-5), at Bengaluru¹.

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

3. Heard Sri.Gopal Krishna.N, learned counsel for Smt.Sushmitha.G, learned counsel for the appellant/claimant and Smt.H.R.Renuka, learned counsel for respondent No.2-Insurer. Vide order dated 13.08.2026, notice of this appeal is dispensed with in respect of respondent No.1.

4. Sri.Gopal Krishna.N, argued this matter only on two counts; first is, the deceased sexagenarian succumbed

¹ "Tribunal" for short



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to the injuries, survived by his wife and a son. The Tribunal has considered the personal expenses towards deceased at 50% instead of 1/3rd. He further submits that in view of settled position of law, the claimants are also entitled for 10% escalation on two terms of three completed years, on the compensation awarded under the convention head, as the accident occurred on 06.08.2020 and sought all allow the appeal.

5. Though Smt.H.R.Renuka, though argued in support of the judgment and award passed by the Tribunal, but she is not in serious dispute with the settled position of law towards personal deduction in case of married person. She further submits that they are entitled for 10% escalation for one completed three years as the accident occurred on 06.08.2020.

6. Having considered the rival submissions, this Court is of the opinion that the Tribunal taking into consideration of the fact that the deceased was performing



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Harikatha rightly considered the monthly income of the deceased at Rs.20,000/-. Further in view of 2 completed terms of three years, since 06/08/2020 this Court is of the opinion that Claimants are entitled for 20% escalation. This Court finds force in the argument advanced by Sri.Gopal Krishna.N, learned counsel that the Tribunal erred in deducting 50% instead of $1/3^{\text{rd}}$ towards personal expenses instead of 50%.

7. Accordingly, this Court proceed to reassess the compensation awarded by the Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	8,40,000-00	11,20,000-00 (20,000x12x7x2/3)
2.	Loss of estate	15,000-00	15,000-00
4.	Funeral expenses	15,000-00	15,000-00
5.	Loss of consortium to wife	40,000-00	40,000-00
6.	Loss of parental consortium	40,000-00	40,000-00
6.	20% escalation on two terms of three completed years.	-	22,000-00
	TOTAL	10,22,300-00	12,52,000-00



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8. The claimants are entitled for enhanced compensation of Rs.2,29,700/- (Rs.12,52,000-Rs.10,22,300) rounded off to **Rs.2,30,000/-** with interest at the rate 6% interest per annum from the date of petition till realization.

9. For the foregoing reasons, this Court proceedings pass the following:

ORDER

(i) The appeal is ***allowed in part.***

(ii) The judgment and award dated 17.08.2022 passed by the Tribunal in MVC.No.4470/2020 is modified and enhanced to **Rs.2,30,000/-** with interest at the rate of 6% per annum from the date of petition till realization.

(iii) Respondent No.2-Insurer shall deposit the entire enhanced compensation along with



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accrued interest stated supra within six weeks from the date of receipt of copy of this order before the concerned Tribunal.

- (iv) Upon deposit the entire amount is ordered to be released in favour of the appellant/claimant No.1 (wife) on proper identification.
- (v) The Registry to send back the trial Court record to the concerned Tribunal, without causing any delay.
- (vi) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 1 Sl No.: 11
ct-vn