



CNR: KAHC010280952026

NC: 2026:KHC:43317  
MFA No. 3048 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 13<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL No. 3048 OF 2026**

**(MV-D)**

**BETWEEN:**

VENKATESHA R  
S/O.LATE. RAMAPPA  
AGED ABOUT 34 YEARS  
SINCE DIED LR'S ARE-

1. SHAMALA V,  
W/O LATE. VENKATESHA R  
AGED ABOUT 32 YEARS.
2. HITHA SHREE R.V,  
D/O LATE. VENKATESHA R  
AGED ABOUT 8 YEARS.
3. YASHASVI R.V,  
S/O LATE. VENKATESHA R  
AGED ABOUT 5 YEARS.  
SINCE 1(B) AND 1(C) ARE MINORS,  
HENCE REPRESENTED BY THEIR MOTHER  
AND NATURAL GUARDIAN I.E. 1(A) SHAMALA V.
4. VENKATAMMA  
W/O LATE. RAMAPPA  
AGED ABOUT 59 YEARS.  
R/AT RAJANAHALLI,



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



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HULADENAHALLI, MALUR TALUK,  
KOLAR DISTRICT - 563 130.

...APPELLANTS

(BY SRI. P. SURESH, ADVOCATE)

**AND:**

1. SBI GENERAL INSURANCE CO. LTD.,  
FIRST, 3/1, RUKMINI TOWERS,  
BY ITS MANEGER, PLATFORM ROAD,  
SHESHADRIPURAM,  
BENGALURU - 560 020.
2. CHAYUM KHAN  
S/O. RAHAM KHAN,  
R/AT.GIDDAPPANAHALLI VILLAGE,  
SULIBELE POST, HOSAKOTE TALUK,  
BENGALURU DISTRICT - 562 114.

...RESPONDENTS

(BY SRI. SHARANAPPA GOUDA MALI PATIL, ADVOCATE  
FOR R1;  
VIDE ORDER DATED 01.06.2026, NOTICE TO R2 IS  
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE  
JUDGMENT AND AWARD DATED. 04/11/2025 PASSED IN MVC  
NO.6077/2024 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS  
TRIBUNAL, BENGALURU(SCCH-4)., 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:



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CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

### **ORAL JUDGMENT**

This appeal is filed by the claimants seeking enhancement of compensation awarded in the Judgment and Award dated 04.11.2025 passed in MVC No.6077/2024 by XVIII Additional Judge and ACJM, Court of Small Causes and MACT, Bengaluru (SCCH-4).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellants and learned counsel for respondent No.1/insurer, the matter is taken up for disposal.

3. One Sri. Venkatesh R., made a claim petition seeking for award of compensation in a road traffic accident occurred on 01.06.2024 contending that the accident occurred due to rash and negligent driving by the driver of TATA Canter vehicle bearing registration No.KA-02-AD-4001. During the pendency of the claim petition, he succumbed to the injuries. His wife, two daughters and mother were brought on record as his legal representatives.



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4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

| Sl. No. | Particulars                                     | Amount                 |
|---------|-------------------------------------------------|------------------------|
| 1.      | Loss of dependency with future prospects        | Rs. 33,26,400/-        |
| 2.      | Transportation of dead body                     | Rs. 16,500/-           |
| 3.      | Funeral Expenses                                | Rs. 16,500/-           |
| 4.      | Loss of Estate                                  | Rs. 16,500/-           |
| 5.      | Loss of Love and Affection                      | Rs. 27,500/-           |
| 6.      | Loss of Spousal, parental and filial consortium | Rs. 1,76,000/-         |
| 7.      | Medical expenses                                | Rs. 9,57,852/-         |
|         | <b>Total</b>                                    | <b>Rs. 45,37,252/-</b> |

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.1/insurer to pay the compensation awarded with interest. The claimants have filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellants and learned counsel for respondent No.1/insurer.



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7. Learned counsel for the appellants/claimants would contend that, the Tribunal has taken the income of the deceased at Rs.16,500/-, but as per the chart prepared by Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken. The Tribunal has rightly added 40% towards future prospects, deducted 1/4<sup>th</sup> towards personal expenses of the deceased and applied multiplier '16'.

8. He further contended that, the Tribunal has not added 20% escalation on conventional heads. The deceased was admitted in the hospital on 01.06.2024 and he died in the hospital on 24.08.2024 and he was in the hospital for total eighty five (85) days. Therefore, the claimants are entitled to attendant, conveyance, food, nourishment etc. With these, he prayed to allow the appeal.

9. Learned counsel for respondent No.1/insuer would contend that, the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement. He further submits that, as consortium is awarded, the claimants are not entitled to loss of love and affection awarded by the



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Tribunal in a sum of Rs.27,500/-. He also submits that, since funeral expenses are awarded, the claimants are not entitled to transportation of dead body separately. With these, he prayed for dismissal of the appeal.

10. Having heard the learned counsel for appellants/claimants and learned counsel for respondent No.1/insurer, the Court has perused the Judgment and Award.

11. The accident occurred on 01.06.2024 and the injured was admitted in the hospital on the very same day, took treatment and succumbed to the injuries on 24.08.2024. Earlier the injured had filed a claim petition and after his death his legal representatives were brought on record. The Tribunal has taken the notional income at Rs.16,500/-. As per chart prepared by Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- and the said income is to be taken. The Tribunal has rightly added 40% towards future prospects, deducted 1/4<sup>th</sup> towards personal expenses of the deceased and the applied multiplier '16' since the deceased was aged thirty four (34) years. In view of the same, loss of dependency is calculated as under:



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$$\begin{aligned} \text{Rs.17,000/-} + 40\% (\text{Rs.6,800/-}) &= \text{Rs.23,800/-} - 1/4^{\text{th}} = \\ \text{Rs.17,850/-} \times 12 \times 16 &= \text{Rs.34,27,200/-}. \end{aligned}$$

12. The claimants are wife, two daughters and mother of the deceased and each of them are entitled to consortium in a sum of Rs.40,000/- each with 20% escalation as per decision of Hon'ble Apex Court in the case of **NATIONAL INSURANCE COMPANY vs. PRANAY SETHI AND OTHERS** reported in **AIR 2017 SC 5157**. Therefore, the claimants are entitled to consortium in a sum of Rs.1,92,000/- (Rs.48,000/- X 4).

13. The claimants are also entitled to loss of estate in a sum of Rs.15,000/- with 20% escalation and funeral expenses and transportation of dead body in a sum of Rs.15,000/- with 20% escalation i.e., Rs.18,000/- each.

14. Since the consortium is awarded, the claimants are not entitled to loss of love and affection separately as awarded by the Tribunal in a sum of Rs.27,500/-.

15. Since the funeral expenses includes transportation of dead body, the claimants are not entitled to transportation of dead body awarded by the Tribunal in a sum of Rs.16,500/-.



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16. The deceased was injured earlier and was admitted in the hospital for eighty five (85) days. Therefore, the claimants are entitled to attendant and conveyance charges in a sum of Rs.85,000/- (Rs.1000/- X 85 days).

17. Considering all the above aspects, the claimants are entitled to total compensation under various heads as under:

| Sl. No. | Particulars                                      | Amount                 |
|---------|--------------------------------------------------|------------------------|
| 1.      | Loss of dependency with future prospects         | Rs. 34,27,200/-        |
| 2.      | Funeral expenses and transportation of dead body | Rs. 18,000/-           |
| 3.      | Loss of Estate                                   | Rs. 18,000/-           |
| 4.      | Loss of consortium                               | Rs. 1,92,000/-         |
| 5.      | Medical expenses                                 | Rs. 9,57,852/-         |
| 6.      | Attendant and Conveyance charges                 | Rs. 85,000/-           |
|         | <b>Total</b>                                     | <b>Rs. 46,98,052/-</b> |

18. The claimants are entitled to total compensation of Rs.46,98,052/- as against Rs.45,37,252/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

19. Consequently, the claimants are entitled to enhanced compensation of Rs.1,60,800/- (Rs.46,98,052/- -



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Rs.45,37,252/-) with interest at the rate of 6% per annum from the date of petition till realisation.

20. Respondent No.1/insurer is liable to pay enhanced compensation amount with interest.

21. In view of the above, the following:

**ORDER**

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellants/claimants are entitled to enhanced compensation of Rs.1,60,800/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.1/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*



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*iv) Appellant No.1 - Wife of the deceased is  
entitled to release of entire enhanced  
compensation with interest.*

**Sd/-**  
**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

KLV  
List No.: 1 Sl No.: 57