



NC: 2026:KHC:33530-DB
MFA No. 3424 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

M.F.A.NO. 3424 OF 2021 (MV-D)

BETWEEN:

1. SMT B.L.VARALAKSHMI,
WIFE OF LATE A.SRINIVAS,
AGED ABOUT 45 YEARS,
2. KUM S.JHANAVI,
DAUGHTER OF LATE A.SRINIVAS,
AGED ABOUT 24 YEARS,
3. KUM S.S.DEVIKA,
DAUGHTER OF LATE A.SRINIVAS,
AGED ABOUT 22 YEARS,
4. MASTER S.NITISH KUMAR,
SON OF LATE A.SRINIVAS,
AGED ABOUT 11 YEARS,
MINOR REP.BY HIS MOTHER
AND NATURAL GAURDIAN,
APPELLANT NO.1, SMT B.L.VARLAKSHMI,
5. SRI C.V.ASHWATH NARAYANA,
SON OF LATE ANNAIAH
@ VENKATARAMANAPPA,

FATHER OF LATE A.SRINIVAS,
AGED ABOUT 87 YEARS,

Digitally signed by
SUMATHY
KANNAN
Location: HIGH
COURT OF
KARNATAKA



ALL ARE RESIDING AT
MAHAL CHOWDADENAHALLI VILLAGE,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT – 562 125.

...APPELLANTS

(BY SRI.SRINIVASAN T., ADVOCATE)

AND:

1. THE MANAGING DIRECTOR,
M/S. JUPITER ENTERPRISES,
DNO-572/02, BHARATHI NAGAR,
BERIGAI POST, HOSUR TALUK,
KRISHNAGIRI DISTRICT,
TAMIL NADU - 635 105.
2. THE REGIONAL MANAGER,
M/S UNITED INDIA INSURANCE CO. LTD.,
III PARTY HUBB, 5TH FLOOR,
KRUSHIBHAVAN BUILDINGS,
BENGALURU - 560 002.

...RESPONDENTS

(BY SRI.JANARDHAN REDDY, ADVOCATE FOR R2;
V/O DTD 25.10.2021 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 24.06.2020 PASSED IN MVC
NO.307/2015 ON THE FILE OF THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MACT, ANEKAL, BENGALURU RURAL
DISTRICT, 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 JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU



ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal seeks to challenge the Judgment and Award dated 24.06.2020 in M.V.C.No.307/2015 passed by the III Additional District and Sessions Judge, MACT, Anekal, Bengaluru Rural District (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded compensation to the appellants/claimants in a sum of Rs.18,34,000/- with interest at the rate of 6% per annum from the date of petition until its realization.

2. Notice to respondent No.1/owner of the vehicle was dispensed with by this Court by its order dated 25.10.2021.

3. The challenge in the present appeal has been limited by the learned counsel for the appellants/claimants to one ground. It is contended that even though there were five dependants, the deduction has been made at 1/2 while computing compensation towards loss of dependency.



Accordingly, given the limited issue involved and with the consent of parties, the matter is taken up for hearing and final disposal at the admission stage itself.

4. The brief facts are that on 21.03.2015 at around 12.00 p.m., when the deceased A.Srinivas was traveling on a motor bike bearing registration No.KA-01/EZ-5265 in Sarjapura-Chikkathirupati, NH-207 road near Sri.Kaveramma Temple, at that time, a Tipper lorry bearing registration No.TN-70/L-9861 being driven in rash and negligent manner hit the motor bike of the deceased. As a result, the deceased fell down from his motor bike and the tyre of the lorry ran over his head leading to his instant death.

5. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'M.V. Act') was filed by the wife, children and the father of the deceased. It was stated in the petition that the deceased was the only earning member of the family.



6. In spite of service of notice, respondent No.1/owner of the Tipper lorry did not appear and was proceeded with ex-parte by the learned Tribunal. Respondent No.2/the Insurer of the Tipper Lorry appeared through its counsel and filed written statement.

7. Based on the pleadings of the parties, the following issues were framed by the learned Tribunal:

"1. Whether the Petitioners prove that the deceased Sri.A.Srinivas died in a road traffic accident occurred on 21.03.2015 at about 12.00 P.M. arising out use of vehicle bearing No.TN-70/L-9861 due to actionable negligent driving of its driver?

2. Whether the Petitioners are entitled for any compensation as prayed by them? If so, to what extent, from whom, and at what proportion?

3. What Order or Award?"

8. The claimant No.1/wife of the deceased was examined as PW.1. One witness by name Narayanappa was examined as PW.2 and marked 18 documents including FIR (Ex.P1), Mahazar (Ex.P2), Sketch (Ex.P3), IMV report (Ex.P4), Inquest report (Ex.P5), charge sheet (Ex.P7). In addition, documents relating to the study



certificates, driving licence were also exhibited as Ex.P16 to Ex.P18 and Ex.P8 respectively. No documents were produced and neither was any evidence led by the respondents.

9. After hearing the parties and examining the evidence, the learned Tribunal found that the Tipper Lorry being driven in a rash and negligent manner and that negligence was established. On the compensation to be awarded, the learned Tribunal found that there were five claimants including the wife, children and father of the deceased. However, loss of dependency of the deceased was calculated by deduction of 50% of the income. In addition, after assessing the income of the deceased at Rs.15,000/- per month, 40% future prospects were added and using the multiplier of 14, the dependency was calculated as follows:

$$\begin{aligned} & [15,000-50\% = 7,500/- \\ & 7,500+40\% = 10,500/- \\ & 10,500 \times 12 \times 14 = \text{Rs.}17,64,000/-] \end{aligned}$$



10. In addition, amounts were awarded towards funeral expenses and loss of estate. Thus, the following amounts were awarded by the learned Tribunal:

Sl.No.	Heads	Amount (Rs.)
1.	Towards loss of dependency	17,64,000/-
2.	Towards loss of estate Consortium and funeral expenses	70,000/- Rs.15,000/- Rs.40,000/- Rs.15,000/-
	TOTAL	18,34,000/-

10.1 Thus, an amount of Rs.18,34,000/- along with interest at 6% per annum was awarded by the learned Tribunal.

11. As stated above, the challenge is only on one ground by the learned counsel for the appellants. It is not disputed that the deceased was survived by his wife, his three children aged 19 years, 17 years and 6 years, as well as his father who was aged 80 years, respectively. However, the loss of dependency for these five dependants has been wrongly calculated. In terms of the



judgment of ***Sarla Verma (Smt.) and others vs. Delhi Transport Corporation and another¹***, the deduction for personal and living expenses for five members would be 1/4. The accident occurred in the year 2015. Since admittedly, the deceased was aged 44 years and was self-employed, future prospects would be awarded @ 25% and not 40% as awarded by the learned Tribunal. The applicable multiplier to be taken is '14'. Thus, the loss of dependency is to be recalculated in the following manner:

Rs.15,000 -1/4 = Rs.11,250	Rs.23,62,584/-
25% of Rs.11,250 = Rs. 2,813	
11,250 + 2813 = Rs. 14,063	
14,063/- X 12 X 14 = Rs.23,62,584	

12. Since the accident occurred in the year 2015 and in view of the law laid down by the Supreme Court in ***National Insurance Company Limited v. Pranay Sethi²***, loss of consortium is payable at Rs.40,000/- to the five appellants with escalation at 10%, amounting to **Rs.2,20,000/-**. As per the judgment of the Supreme

¹ (2009)6 SCC 121

² (2017) 16 SCC 680



Court in ***Pranay Sethi*** case referred to supra, the appellants are entitled to compensation of Rs.15,000/- on the head of **loss of estate** and Rs.15,000/- for **funeral expenses and transportation** with escalation at 10% each. Accordingly, the compensation to be awarded is re-calculated as follows:

Sl.No.	Heads	Amount (Rs.)
1.	Towards loss of dependency	Rs.23,62,584/-
2.	Towards loss of Consortium	2,20,000/-
3.	Towards loss of estate	16,500/-
4.	Towards loss of funeral expenses and transportation	16,500/-
	TOTAL	Rs.26,15,584/-
	Less: Awarded by the Tribunal	18,34,000/-
	Enhanced compensation	7,81,584/-

13. Hence, the appellants/claimants are entitled to a total compensation of **Rs.26,15,584/-** along with interest as awarded by the learned Tribunal, from the date of petition till its realization.



14. Accordingly, this Court proceeds to pass the following:

ORDER

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

(ii) The Judgment and Award dated 24.06.2020 in M.V.C. No.307/2015 passed by the III Additional District and Sessions Judge, MACT, Anekal, Bengaluru Rural District, is modified, to the extent that appellants/claimants are entitled to total compensation of **Rs.26,15,584/-** along with interest at the rate of 6% per annum as awarded by the learned Tribunal from the date of petition till realization.

(iii) The remaining portion of the Impugned Award of the Tribunal remains undisturbed.

(iv) The respondent No.2/Insurance company is directed to pay the enhanced compensation with interest as awarded by the Tribunal within eight weeks from today.



(v) On such deposit of compensation, the same shall be released in favour of the appellants/claimants, on filing of an appropriate application for withdrawal of the enhanced amount.

(vi) The Registry is directed to draw the modified Award accordingly.

(vii) The Registry is directed transmit a copy of this judgment and the records to the concerned Tribunal.

(viii) No order as to costs.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

KG/YN
List No.: 1 Sl No.: 12