



NC: 2026:KHC:28337-DB
MFA No. 7809 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 7809 OF 2019 (MV-D)

BETWEEN:

1. SRI. KRISHNAPPA
S/O LATE SANAPPA
@ AKKISANNAPPA
AGED ABOUT 32 YEARS
R/AT SURUPANAHATTI VILLAGE
JAVANAGONDANAHALLI HOBLI
PEELALIHIRYUR TALUK
CHITRADURGA DISTRICT-577 598.
2. SMT. SHARADA
W/O EERANNA
D/O LATE SANAPPA @ AKKASANNAPPA
AGED ABOUT 30 YEARS
R/AT SURUPANAHATTI VILLAGE
JAVANAGONDANAHALLI HOBLI
PEELALIHIRYUR TALUK
CHITRADURGA DISTRICT-577 598.
3. SMT. NILAMMA
W/O CHITTAPPA
D/O LATE SANAPPA @
AKKASANNAPPA
AGED ABOUT 29 YEARS
R/AT PILAJAHALLI VILLAGE
HIRYUR TALUK
HASSAN DISTRICT-573 103.

Digitally
signed by K S
RENUKAMBA
Location:
High Court of
Karnataka



4. SMT. LAKAMMA
W/O KUMBANNA
D/O LATE SANAPPA @
AKKASANNAPPA
AGED ABOUT 27 YEARS
R/AT UMLANAYAKANATHANDYA
CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT-572 201.
5. SMT. KENCHAMMA
W/O SHIVANNA
D/O LATE SANAPPA @
AKKASANNAPPA
AGED ABOUT 25 YEARS
R/AT YELEGOLLARAHATTI
DASUDI, HULIYAR HOBLI
CHIKKANAYAKNAHALLI TALUK
TUMKUR DISTRICT-572 201.
6. S. LAKSHMIDEVI
D/O LATE SANAPPA @
AKKASANNAPPA
AGED ABOUT 23 YEARS
R/AT SURUPANAHATTI VILLAGE
JAVANAGONDANAHALLI HOBLI
PEELALIHIRYUR TALUK
CHITRADURGA DISTRICT-577 598.

...APPELLANTS

(BY SRI. HARSHA, ADVOCATE FOR
SMT. RADHA R., ADVOCATE)

AND:

DIVISIONAL CONTROLLER,
KSRTC HASSAN DIVISION
HASSAN, HASSAN DISTRICT-573 201.

...RESPONDENT

(BY SRI. B. PHALAKSHAIAH., ADVOCATE-(ABSENT))

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 30.06.2017 PASSED IN MVC
NO. 1463/2016 ON THE FILE OF THE IV ADDITIONAL DISTRICT



AND SESSIONS JUDGE, HASSAN, DISTRICT (SIT AT CHANNARAYAPATNA) 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 30.06.2017 in MVC No.1463/2016 passed by the IV Additional District and Sessions Judge, Hassan District (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, the Tribunal has awarded compensation to the appellants/claimants in a sum of Rs.6,55,000/- along with interest at 9% per annum from the date of petition till its realization.

2. The appeal has been filed by the claimants. The order dated 07.07.2023 also reflects that this Court had directed that 749 days of delay in filing the appeal be condoned on the condition that if the appellants/claimants



succeed in the appeal, they would not be entitled to interest on the enhanced compensation for the delayed period.

3. Although respondent has been duly served, there is no presence on behalf of the respondent despite the matter being called out twice today. Given the pendency of the matter for the last seven years, and the limited issue involved, we deem it apposite to hear and decide the matter today.

4. Briefly the facts of the case are that on 01.05.2016 at about 2.00 p.m., the deceased Sannappa @ Akkisanappa was at new bus stand of Channarayapatna town. At that time the offending KSRTC bus bearing KA-13-F-1798 stated to being driven by its driver [N.S.Marulasiddappa] in a rash and negligent manner, hit the deceased and wheel of the bus ran over him. As a result of this accident, Sannappa died on the spot.

4.1. A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'M.V.



Act) by the petitioners who are the sons and daughters of the deceased. It was stated in the claim petition that their father was supporting them and earning Rs.20,000/- per month from agriculture and sheep rearing. The respondent KSRTC contested the matter before the Tribunal.

5. Based on the pleadings filed by the parties, the following issues were framed by the learned Tribunal:

"1. Whether father of petitioners namely Sannappa @ Akkisannappa died due to injuries sustained in a road traffic accident that occurred on 01.05.2016 at 2.00 p.m., at New Bus Stand of Channarayapatna, due to actionable negligence driving of KSRTC Bus bearing No.KA-13-F-1798, driven by driver in a rash and negligent manner, and owned by respondent?"

2. Whether petitioners are entitled for the compensation? If so, what is the quantum?"

3. What order or award?"

6 Appellant/claimant Nos.1 and 6 were examined as PW.1 and PW.2 and marked the documents as Ex.P1 to Ex.P15 which included the copy of FIR (Ex.P7), copy of Inquest (P9), copy of Spot Mahazar (Ex.P10), copy of IMV report (Ex.P12) and copy of the charge sheet (Ex.P15).



The respondent got the driver of the offending vehicle examined as RW.1 but did not file any documents.

7. The learned Tribunal after examining the FIR, spot mahazar, sketch, charge sheet and IMV report has found that there is substantial material on record to establish the negligence of the driver of the offending vehicle and thus on this aspect, it was held that negligence is proved.

7.1 The learned Tribunal also found that although a claim petition was filed by six petitioners, only one unmarried daughter PW.2 (petitioner No.6) would be dependent on the father as the remaining sons and daughters were all adults, married and living separately. On this basis, notional income was calculated at the rate of Rs.10,000/- per month. The deceased was aged 60 years, and the applicable multiplier was considered as '9'. The learned Tribunal also found that there is only one dependent of the deceased and deducted $\frac{1}{2}$ of the income of the deceased which amounts to Rs.5,40,000/- ($10,000 \times \frac{1}{2} \times 12 \times 9$) and the said amount was awarded towards loss of dependency.



In addition, the Tribunal awarded Rs.25,000/- for funeral expenses and Rs.90,000/- as additional compensation for loss of consortium in the following manner:

Sl.No.	Particulars	Amount (Rs.)
01.	Loss of Dependency	5,40,000-00
02.	Loss of Consortium	90,000-00
03.	Funeral expenses	25,000-00
	Total	6,55,000-00

7.2. Thus, an award of compensation of Rs.6,55,000/- along with interest at the rate of 9% per annum was awarded.

8. As stated above, there is no challenge to the award by the respondent/KSRTC. None has appeared before this Court today either.

9. The learned counsel for the appellants/claimants submits that he has raised one ground of challenge in the present case. He submits that the loss of dependency was wrongly calculated.

10. The question that arises for consideration before this Court is, whether the compensation that has been



calculated by the learned Tribunal is in accordance with law?

11. The learned Tribunal has examined the aspect of loss of dependency and has found that the appellants /claimants were not able to establish the income of the deceased. However, the learned Tribunal has taken the income of the deceased at Rs.10,000/- per month, based on the Notification issued by the Government of India in the year 2016 in respect of wages for unskilled labourers. It has also found that there was only one unmarried daughter who was although a major, was living with the father and was dependent on his income. So, 50% has been deducted in that behalf. In addition, it is found that since the oldest son was 40 years old, the age of the father could not have been 52 years as was contended and the deceased would have at least been over 60 years. Thus, the multiplier of 9 was used. The learned Tribunal thus calculated the loss of dependency as Rs.5,40,000/- (10,000 X 12 X 9 X 1/2) which is what has been awarded.



On this aspect, this Court is not inclined to interfere with the award.

12. However, undisputedly there were six family members of the deceased and although not dependant, would still be entitled to an amount for loss of consortium. The Supreme Court in the judgment of ***National Insurance Co. Ltd. Vs. Pranay Sethi¹***, has held that Rs.40,000/- each must be awarded towards loss of consortium. Since there were six family members, Rs.40,000/- each, amounting to Rs.2,40,000/- is to be awarded. The loss of estate and funeral expenses would however be at Rs.15,000/-. In addition, the escalation at 10% is required to be added. Thus, the award of the learned Tribunal requires to be reassessed in the following terms:

Sl.No.	Particulars	Amount (Rs.)
01.	Loss of Dependency	5,40,000-00
02.	Loss of Consortium (40,000 X 6)	2,64,000-00
03.	Funeral expenses	16,500-00
04.	Loss of estate	16,500-00
	Total	8,37,000-00

¹ (2017) 16 SCC 680



	Less: Awarded by the Tribunal	6,55,000-00
	Enhanced compensation	1,82,000-00

13. Hence, the appellants/claimants are entitled to a total compensation of **Rs.8,37,000/-** along with interest at the rate of 9% per annum from the date of petition till its realization except for the delayed period of 749 days.

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

ORDER

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

(ii) The Judgment and Award dated 30.06.2017 in MVC No.1463/2016 passed by the IV Additional District and Sessions Judge, Hassan District (Sit at Channarayapatna) is modified, enhancing the compensation by **Rs.1,82,000/-** along with interest at the rate of 9% per annum as awarded by the learned Tribunal from the date of petition till realization except the delayed period of 749 days.

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



(iv) The respondent 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 to the concerned Tribunal, along with its records.

(viii) No order as to costs.

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

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