



NC: 2026:KHC:34927-DB
MFA No. 6023 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

M.F.A.NO. 6023 OF 2021 (MV-D)

BETWEEN:

1. SMT. MANJULA,
W/O LATE RAMAIAH.D,
AGED ABOUT 42 YEARS,
2. THANUSHRI
D/O LATE D.RAMAIAH,
AGED ABOUT 23 YEARS,

BOTH ARE R/AT:
MARASINGANAHALLI VILLAGE,
KOPPA HOBLI,
MADDUR TALUK
MANDYA DISTRICT - 571 401.

...APPELLANTS

(BY SRI.RITHISH D. NAIK, ADVOCATE FOR
SRI.VIVEKANANDA.T.P., ADVOCATE)

AND:

1. ANANDA M.D,
S/O DEVEGOWDA,
R/AT 4TH CROSS,
LEELAVATHI EXTENSION,
MADDUR TOWN,

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA



MANDYA-571 401.

2. THE UNITED INDIA INSURANCE CO. LTD,
1ST FLOOR, OPP. RVR COMPLEX,
BEHIND LIC OFFICE,
KSRTC BUS STAND,
RAMANAGAR - 562 159.

...RESPONDENTS

(BY SRI.BASAVARAJU P., ADVOCATE FOR R1;
SRI.JWALA KUMAR, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 24.11.2018 PASSED IN MVC NO.203/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AND ADDITIONAL MACT, CHANNAPATTANA, RAMANAGAR 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
and
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 24.11.2018 in M.V.C.No.203/2016 passed by the Senior Civil Judge and J.M.F.C., Additional



MACT, Channapattana, Ramanagar 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.12,98,334/- and future interest at 6% per annum from the date of petition till the date of deposit.

2. The Appeal though listed for admission, with the consent of the learned Counsel for the parties are taken up for final hearing and disposal today itself.

3. The challenge in the present appeal is by the appellants/claimants. Respondent No.1 / the owner of the offending vehicle as well as respondent No.2 / the Insurance Company are present. Although an order was passed on 19.09.2023, no vakalathnama has been placed on record by the learned counsel for respondent No.2. He however submits that he is filing the same during the course of the day. He has been given oral authorization to appear in this matter.



4. Briefly the facts of the case are that on 01.05.2016 at about 4:30 p.m., when the deceased one D. Ramaiah was going as pillion rider of a motorcycle bearing No.KA-11-W-9303 on Bellur–Nagamangala Road of Anche Chittihalli village on Double Road, the rider of the motorcycle itself drove the same in a rash and negligent manner, lost control of the vehicle and D.Ramaiah fell from the motorcycle and sustained grievous injuries to his head and other parts of his body. He was shifted to the A. C. Giri Hospital and thereafter to B.G.S. Global Hospital, Bangalore. However, the said D. Ramaiah succumbed to the injuries in the hospital itself.

4.1. A claim petition under Section 163A of the Motor Vehicles Act, 1988 (hereinafter referred to as 'M.V. Act' for short) was filed by the wife and the daughter of the deceased. It was stated that at the time of the accident, the deceased was aged about 45 years and doing agriculture and dairy farming work and earning Rs.35,000/- per month.



4.2. Upon service of notice, respondent No.1 / the owner of the offending vehicle as well as respondent No.2 / the Insurance Company have appeared through their learned Counsel and filed their respective written statements. They denied the averments in the petition.

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

“1.Whether the petitioners prove that D. Ramaiah succumbed in a Road Traffic Accident that occurred on 01.05.2016 at about 4.30 p.m., near Anche Chittanahalli, Bellur-Nagamangala Road, Mandya District, which was due to rash and negligent riding of Motor cycle bearing No.KA-11-W-9309?

2.Whether the petitioners are entitled for compensation? If so, how much and from whom?

3. What order or award?”

4.4. The claimants produced both oral and documentary evidence by examining the wife of the deceased as PW.1, as well as documents which were exhibited as Exs.P1 to P10, which included the FIR (Ex.P1), Post Mortem Report (Ex.P3), Charge Sheet (Ex.P4), Inquest Report (Ex.P5) and Crime Detail Form (Ex.P7), the medical bills were also



produced at Ex.P9. The respondents, however, neither produced any documents nor examined any witnesses.

4.5. The learned Tribunal after examining the evidence placed before it, more specifically including the FIR and charge sheet, found that a case for an offence punishable under Sections 279, 337 and 304A of the Indian Penal Code, 1860 had been registered by the jurisdictional police against the owner/rider of the offending vehicle. It was further found by the learned Tribunal that the cross-examination did not elicit anything to disbelieve the version of the claimants. Thus, it was held that the deceased died due to the negligence of the rider of the motorcycle.

4.6. In addition, for calculating the income, the learned Tribunal took the notional income of the deceased as Rs.7,000/- per month, found that as per the post mortem report, the deceased was 49 years, applied multiplier of 13 and added future prospects of 25%. The learned Tribunal considering that the deceased had two dependants



deducted 1/3rd of his income towards personal and living expenses and calculated the loss of dependency as:

$$[8,750 (7,000/- + 25\%) - 2917(8750 \times 1/3) = \text{Rs.}5,833/- \\ \text{Rs.}5,833/- \times 12 \times 13 = 9,09,948/-]$$

4.7. The learned Tribunal has awarded compensation towards the medical expenses and loss of consortium. Learned Tribunal after examining the evidence on record has awarded the compensation in the following manner:

Sl.No.	HEAD OF COMPENSATION	AMOUNT (RS.)
1.	Loss of dependency	9,09,948-00
2.	Transportation of the dead body and funeral expenses	15,000-00
3.	Loss of estate	15,000-00
4.	Loss of Consortium to the petitioner	40,000-00
5.	Medical and incidental charges	3,18,386-00
	TOTAL	12,98,334-00

4.8. The learned Tribunal thus awarded a sum of Rs.12,98,334/- with future interest at 6% per annum.

5. As stated above, the challenge in the present appeal is by the appellants/claimants. Learned counsel for the appellants/claimants submits that although the calculation for loss of dependency has not been done based on the



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notional income, since the accident was in the year 2016, the notional income should have been taken at Rs.9,500/- as per the chart of Karnataka State Legal Services Authority. In addition, amounts awarded for consortium are not in accordance with the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi***¹. Lastly, learned counsel for the appellants/claimants contends that the escalation is to be awarded on compensation awarded.

6. Learned counsel for the respondents on the other hand while fairly submit that the notional income for the year 2016 was Rs.9,500/-. However, the loss of consortium was in terms of the judgment of the Supreme Court in ***Pranay Sethi*** case, which is minimum of Rs.40,000/- per year for dependent family member.

7. No other ground or challenge is raised before this Court. Since the deceased was 49 years, 25% of his income should be added as future prospects and 1/3rd of

¹ (2017)16 SCC 680



his income be deducted towards personal and living expenses and applying the multiplier of 13 and in view of the consensus between the parties and the settled legal position, the compensation for **loss of dependency** is recalculated in the following manner:

Heads	Amounts
Loss of dependency	Rs.9,500 + 25% = 11,875 Rs.11,875/- X 1/3 X12X13 = Rs.12,35,052/-

8. In view of the law laid down by the Supreme Court in the ***Pranay Sethi***, case loss of consortium is payable at Rs.40,000/- to two claimants amounting to **Rs.80,000/-**. The amount of compensation awarded on the head of loss of estate, transportation and funeral expenses and towards medical and incidental charges is as per the settled law and the same does not warrant interference.

9. Accordingly, the award of the learned Tribunal is recalculated in the following manner:

Sl.No.	Heads of Compensation	Amount (Rs.)
1.	Loss of dependency	12,35,052-00
2.	Transportation of the dead	15,000-00



	body and funeral expenses	
3.	Loss of estate	15,000-00
4.	Loss of Consortium to the petitioner	80,000-00
5.	Medical and incidental charges	3,18,386-00
	Total	16,63,438-00
	Less: Awarded by the Tribunal	12,98,334-00
	Enhanced compensation	3,65,104-00

10. Hence, the appellants/claimants are entitled to a total compensation of **Rs.16,63,438/-** along with interest as awarded by the learned Tribunal, from the date of petition till its realisation. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part;***
- (ii) The judgment and award dated 24.11.2018 in M.V.C.No.203/2016 passed by the Senior Civil Judge and J.M.F.C., Additional MACT, Channapattana, Ramanagar District, is modified, awarding total compensation of **Rs.16,63,438/-** 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) 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 appellants/claimants, on filing of an appropriate application for withdrawal of the enhanced amount in the proportion as was set out in the Impugned Award.

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

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



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(viii) Pending application(s), if any, stand closed. No order as to costs.

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

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

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List No.: 1 Sl No.: 9