



CNR: KAHC010303182025

NC: 2026:KHC:45230
MFA No. 3385 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO.3385 OF 2025(MV-D)
BETWEEN:

1. SMT. YASHODA,
W/O LATE B.E. CHANDRA MOHAN,
NOW AGED ABOUT 45 YEARS,
2. SRI. PRAJWAL B.C.,
S/O LATE B.E. CHANDRA MOHAN,
NOW AGED ABOUT 24 YEARS,
3. SRI. SUHAS B.C.,
S/O LATE B.E. CHANDRA MOHAN,
NOW AGED ABOUT 22 YEARS,
4. MAST. VINITH B.C.,
S/O LATE B.E. CHANDRA MOHAN,
NOW AGED ABOUT 17 YEARS,
5. SMT. LAKSHMAMMA,
W/O LATE ERAPPA ALIAS N. ERANNA,
AGED ABOUT 72 YEARS,

SINCE 4TH PETITIONER IS MINOR,
R/BY HIS MOTHER/NATURAL GUARDIAN
1ST PETITIONER HEREIN.


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



NC: 2026:KHC:45230
MFA No. 3385 of 2025

CNR: KAHC010303182025

ALL ARE RESIDING AT
BELAMARANAHALLI VILLAGE
AND POST, KOLAR TALUK AND DISTRICT.

...APPELLANTS

(BY SMT. SUSHMITHA G., ADVOCATE)

AND:

1. SRI. VANGANUR NARAYANASWAMY,
S/O V. OBULESH,
MAJOR IN AGE,
RESIDING AT NO.5-657,
5TH ROAD, ANANTAPUR,
ANDHRA PRADESH – 515 001.
2. CHOLAMANDALAM M.S.
GENERAL INSURANCE CO. LTD.,
UNIT NO.4, 9TH FLOOR (LEVEL-6),
GOLDEN HEIGHTS COMPLEX,
59TH 'C' CROSS, INDUSTRIAL SUBURB,
4TH 'M' BLOCK, RAJAJI NAGAR,
BENGALURU – 560 010.
REPRESENTED BY ITS MANAGER.

...RESPONDENTS

(BY SRI.MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI.B.PRADEEP, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH VIDE ORDER DATED
02.09.2025)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 20.10.2023 PASSED IN MVC
NO.189/2021, ON THE FILE OF THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE AND AMACT, KOLAR, PARTLY



**NC: 2026:KHC:45230
MFA No. 3385 of 2025**

ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellants/claimants seeking enhancement of compensation awarded in the Judgment and Award dated 20.10.2023, passed in MVC.No.189/2021, by the II Addl.District and Sessions Judge and Addl.MACT, Kolar (for short, `Tribunal').

2. The appellants/claimants made a claim petition seeking for award of compensation for the death of B.E.Chandra Mohan (husband of claimant No.1, father of claimant Nos.2 to 4 and son of claimant No.5), in a road traffic accident occurred on 21.11.2020 contending that the accident occurred due to rash and negligent driving by



NC: 2026:KHC:45230
MFA No. 3385 of 2025

the driver of Mahindra Bolero light goods vehicle bearing registration No.AP-39/TN-5598.

3. 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	Rs. 18,90,000/-
2.	Transportation and funeral expenses	Rs. 15,000/-
3.	Loss of love and affection	Rs. 1,00,000/-
4.	Loss of estate	Rs. 50,000/-
5.	Loss of consortium for petitioner No.1	Rs. 40,000/-
	Total	Rs. 20,95,000/-

4. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed the respondents to pay the compensation awarded with interest. The claimants have



filed the present appeal seeking enhancement of compensation.

5. Heard the learned counsel for appellants and learned counsel for respondent No.2/insurer.

6. Learned counsel for the appellants would contend that, the deceased was aged 45 years, owning 6 acres of land. The RTCs of the said land are produced at Ex.P-7 and considering the same, the income of the deceased would be taken higher than the notional income as the accident is of the year 2020. She further submits that the Tribunal has rightly added 25% towards future prospects, deducted 1/4th towards personal expenses of the deceased and applied the multiplier of '14'. She submits that the compensation awarded for loss of consortium is on the lower side. With this, she prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that, the claimants have not produced any



documents in order to show what was the income of the deceased from the agricultural land owned by him. Hence, for considering the income of the deceased, the notional income is to be taken. He further submits that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsel for appellants and learned counsel for respondent No.2/insurer, the Court has perused the Judgment, Award of the trial Court.

9. The accident has occurred on 21.11.2020 and as on the date of accident, the deceased was aged 45 years. The deceased was an agriculturalist, owning 6 acres of land and in order to show the same, the claimants have produced 7 RTC extracts at Ex.P-7. Even though the claimants have not produced any proof of income from the said agricultural lands, the income of the deceased has to be taken higher than the notional income fixed for unskilled labourers. Considering the said aspect,



the notional income of the deceased is to be taken at Rs.16,000/- per month as against Rs.12,000/- taken by the Tribunal.

10. The Tribunal has rightly added 25% towards future prospects, deducted 1/4th towards personal expenses of the deceased and applied the multiplier of '14'. In view of the above, the loss of dependency is calculated as under :

$$\begin{aligned} &\text{Rs.16,000/-} + \text{Rs.4,000 (25\%)} = \text{Rs.20,000/- less} \\ &1/4^{\text{th}} = 15,000/- \times 12 \times 14 = \text{Rs.25,20,000/-} \end{aligned}$$

11. The claimants are the wife, children and mother of the deceased and they are entitled to consortium in a sum of Rs.40,000/- each with 10% escalation, i.e., in a sum of Rs.44,000/- x 5 =Rs.2,20,000/- as against Rs.40,000/- awarded by the Tribunal.



12. In view of awarding of consortium, the claimants are not entitled to loss of love and affection awarded by the Tribunal in a sum of Rs.1,00,000/-.

13. The Tribunal has awarded funeral expenses and transportation of dead body in a sum Rs.15,000/-, but the Tribunal has not added 10% escalation. Therefore, the claimants are entitled to a sum of Rs.16,500/- towards transportation of dead body and funeral expenses.

14. The claimants are entitled to loss of estate in a sum of Rs.15,000/- with 10% escalation i.e., Rs.16,500/- as against Rs.50,000/- awarded by the Tribunal.

15. In view of the above, the claimants are entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of Dependency	Rs. 25,20,000/-
2.	Loss of Consortium	Rs. 2,20,000/-
3.	Loss of Estate	Rs. 16,500/-
4.	Funeral expenses and transportation of dead body	Rs. 16,500/-
	Total	Rs. 27,73,000/-



16. Thus, the claimants are entitled to total compensation of Rs.27,73,000/- as against Rs.20,95,000/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

17. Consequently, the claimants are entitled to enhanced compensation of Rs.6,78,000/- (Rs.27,73,000/- - Rs.20,95,000/-), with interest at the rate of 6% per annum from the date of petition till realisation.

18. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

19. 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.6,78,000/- with interest at the rate of 6% per annum from the date of petition till realisation. However, the appellants/claimants are not entitled for interest for the delayed period*



**NC: 2026:KHC:45230
MFA No. 3385 of 2025**

CNR: KAHC010303182025

of 418 days in filing the present appeal as per the order dated 02.09.2025.

- iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) The claimants are entitled to release of enhanced compensation amount in the ratio of 60:10:10:10:10.*

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

BK
List No.: 1 Sl No.: 8