



CNR: KAHC010307802025

NC: 2026:KHC:52442
MFA No. 3433 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 3433 OF 2025

(MV-D)

BETWEEN:

1. B M TEJASWI
S/O B.MARISWAMY
AGED ABOUT 62 YEARS.
2. M.N. HARINI KUMARI
W/O B.M. TEJASWI
AGED ABOUT 52 YEARS
3. VISHNU SWAROOP B.T
S/O B.M. THEJASWI
AGED ABOUT 26 YEARS



THE APPELLANTS ARE
R/AT No.35, 3RD CROSS
BEHIND KMF, AYYAPPA LAYOUT
MUNNEKOLALA
MARATHAHALLI COLONY
BENGALURU NORTH
BENGALURU-560 037.

...APPELLANTS

(BY SRI K V NAIK, ADVOCATE)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA



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AND:

1. MR LOVELY RAMGOPAL SHARMA
MAJOR, FATHER NAME NOT KNOWN
R.AT No. H-131
SHAH ARCADE
CHS LTD., PLOT No.4 AND 5,
SECTOR 6, KHARGHAR NAVI
MUMBAI PANVEL, RAIGARH
MAHARASHTRA-410 210.
2. THE MANAGER
UNITED INDIA INSURANCE CO., LTD.,
REGIONAL OFFICE
5TH FLOOR, KRUSHI BHAVAN
HUDSON CIRCLE
BENGALURU.

...RESPONDENTS

(BY SRI A N KRISHNA SWAMY, ADVOCATE FOR R2
V/O DTD. 11.3.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:08.01.2025
PASSED IN MVC No.3568/2024 ON THE FILE OF THE III
ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL
CAUSES, BENGALURU, (SCCH-18), 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 SHIVASHANKAR AMARANNAVAR

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ORAL JUDGMENT

This appeal is filed by the appellants/claimants seeking enhancement of compensation awarded in judgment and award dated 08.01.2025 passed in MVC No.3568/2024 by the III Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-18).

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

3. The appellants/claimants made a claim petition praying to award compensation for the death of Athish Tejashwi Kumar in a road traffic accident occurred on 28.04.2024 contending that the accident occurred due to rash and negligent driving of the driver of Canter Container Lorry bearing Regn.No.MH-46-BF-8947. The Tribunal after recording the evidence of the parties,

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appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards loss of dependency	86,64,704/-
02.	Towards loss of consortium	88,000/-
03.	Towards loss of estate	16,500/-
04.	Towards funeral and obsequies ceremony expenses	16,500/-
05.	Medical expenses	57,070/-
	Total	88,42,774/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

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

6. The accident occurred on 28.04.2024 and as on the date of accident, the deceased was aged 29 years. Considering the said age, the Tribunal has rightly taken multiplier '17'. Considering the fact that deceased was working as Software Engineer and getting fixed salary, the

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Tribunal has rightly added 50% towards future prospects. Considering that deceased was bachelor, the Tribunal has rightly deducted 50% of his income towards his personal expenses.

7. The Tribunal has taken the income of deceased at Rs.58,520/- p.m. based on the pay slip for March, 2024 (Ex.P37) and deducted professional tax of Rs.200/- p.m. and calculated the yearly income. The Tribunal has not deducted income tax. The date of accident is 28.04.2024. Ex.P38 is the pay slip for April, 2024. As per the said pay slip, the total earnings of deceased per month is Rs.64,624/-. Since the accident has taken place during the month end of April, 2024, the pay of deceased for April, 2024 has to be taken into consideration. Therefore, the monthly income of the deceased after deducting Rs.200/- p.m. towards professional tax is Rs.64,425/-. Therefore, the yearly income of the deceased is Rs.7,73,100/-. If the income tax is calculated in the new regime, the income tax payable is Rs.33,602/-. Therefore,

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the net income of the deceased is Rs.7,39,498/- per annum. The Tribunal has added 50% towards future prospects since the deceased was getting fixed salary having permanent appointment. Considering the above aspects, the loss of dependency is calculated as under:

$Rs.7,39,498 + 50\% = Rs.11,09,247 - 50\% = Rs.5,54,624/-$

$Rs.5,54,624 \times 17 = Rs.94,28,608/-$

8. The claimants are parents and brother of deceased and they are entitled to consortium in a sum of Rs.40,000/- each, with 20% escalation i.e. Rs.1,44,000/- (Rs.48,000 x 3) as against Rs.88,000/- awarded by the Tribunal. The Tribunal has awarded loss of estate and funeral expenses taking 10% escalation. Since the accident occurred in the year 2024, six years after the decision of the Hon'ble Apex Court in the case of **National Insurance Co.Ltd vs. Pranay Sethi and others (2018 SAR (Civil) 81)**, 20% escalation is to be added under conventional heads. Therefore, the claimants are entitled

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to loss of estate of Rs.18,000/- and funeral expenses of Rs.18,000/-.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	94,28,608/-
02.	Loss of amenities	1,44,000/-
03.	Loss of estate	18,000/-
04.	Funeral expenses	18,000/-
05.	Medical expenses	57,070/-
	Total	96,65,678/-

10. Considering the above aspects, the claimants are entitled to total compensation of Rs.96,65,678/- as against Rs.88,42,774/- awarded by the Tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.8,22,904/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following:

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ORDER

- i) The appeal is allowed in part.
- ii) The appellants/claimants are entitled to enhanced compensation of Rs.8,22,904/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellants/claimants are entitled to release of entire enhanced compensation in the ratio of 60:20:20.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 20
Ct.sm