



CNR: KAHC010312852026

NC: 2026:KHC:44452
MFA No. 3267 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3267 OF 2026

(MV-I)

BETWEEN:

1. SMT. ADILAKSHMAMMA
W/O RAMAIAH @ RAMAPPA
AGED ABOUT 53 YEARS
R/AT 2ND WARD, BAGEPALLI
VALMIKINAGAR
BAGEPALLI TALUK
CHIKKABALLAPURA – 561 207.

2. SRI ESHWARAPPA M
S/O RAMAIAH @ RAMAPPA
AGED ABOUT 38 YEARS.

3. SRI SHIVA KRISHNA R
S/O RAMAIAH @ RAMAPPA
AGED ABOUT 36 YEARS

...APPELLANTS

(BY SRI. K V NAIK, ADVOCATE)

AND:

1. SRI. N. RAMESH
S/O NARASIMHAREDDY
MAJOR
No. 562
2ND MAIN ROAD, 1ST CROSS
NEAR M MARUTHI CIRCLE

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



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SRINAGAR, BENGALURU- 560 050.
(R C OWNER OF CAR BEARING
REG NO. KA-05-NA-8666)

2. THE MANAGER
RAHEJA QBE GENERAL INSURANCE CO LTD.
H M GENEVA HOUSE
UNIT No. 201, 2ND FLOOR
No. 14, CUNNINGHAM ROAD
BENGALURU - 560 052.

(POLICY NO. R0045035-0R01
VALID FROM 29-08-2022
TO 28-08-2023)

3. THE MANAGER
BHARATI AXA GENERAL INSURANCE CO. LTD.,
MERGED WITH
ICICI LOMBARD GENERAL INSURANCE CO. LTD
9TH FLOOR, THE ESTATE
121, DICKENSON ROAD
M G ROAD
BENGALURU - 560 042.

(POLICY NO. HAX156946973
VALID FROM 20.08.2020 TO 19.08.2023)

...RESPONDENTS

(BY SRI P S JAGADISH, ADVOCATE FOR R3)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED. 27/01/2026 PASSED IN MVC
NO. 2682/2023 ON THE FILE OF THE VIII ADDL. SMALL
CAUSES JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL ,
BENGALURU., PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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



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CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 27.01.2026 passed in MVC No.2682/2023 by VIII Additional Small Causes Judge and MACT, Bengaluru (SCCH-5).

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.3 –insurer.

3. Appellants made a claim petition praying to award compensation for the death of Ramaiah alias Ramappa (husband of claimant No.1 and father of claimant Nos.2 and 3) in a road traffic accident occurred on 27.03.2023 contending that the accident occurred due to rash and negligent driving of the driver of car bearing registration No.KA-05/NA-8666. The Tribunal after



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recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	12,67,164/-
02.	Loss of consortium	96,000/-
03.	Loss of Estate	18,000/-
04.	Funeral Expenses	18,000/-
Total		13,99,164/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the respondent No.3 -insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.3 -insurer.

6. Learned counsel for appellant would contend that the accident occurred in the year 2023 and as per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the said year is Rs.16,250/-



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and that is to be taken as against Rs.16,000/- as taken by the Tribunal. He further submits that the Tribunal has rightly added 10% towards future prospects, deducted $1/3^{\text{rd}}$ towards personal expense of the deceased and applied multiplier 9. He further submits that the claimants are entitled to consortium in a sum of Rs.48,000/- each and in all Rs.1,44,000/-. But the Tribunal has awarded only Rs.96,000/-. With these, he prays to allow the appeal.

7. Learned counsel for respondent No.3 -insurer would contend that the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 27.03.2023 and as on the date of accident, the deceased was aged 56 years. Claimants are wife and two sons of the deceased. The



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notional income fixed for the year 2023 by the Karnataka State Legal Services Authority is Rs.16,250/- and the said income is to be taken as against Rs.16,000/- per month. The Tribunal has rightly added 10% towards future prospects, rightly deducted 1/3rd towards personal expense of the deceased and applied multiplier 9 since the deceased was aged at 56 years. Therefore, the loss of dependency is calculated as under:

$$\text{Rs.16,250/-} + 10\% = \text{Rs.17,875/-} \text{ minus } 1/3^{\text{rd}} = \text{Rs.11,917/-} \times 12 \times 9 = \text{Rs.12,87,036/-}.$$

10. Claimants being wife and two children of the deceased are each entitled to consortium in a sum of Rs.48,000/-, total consortium in a sum of Rs.1,44,000/- as against Rs.96,000/- as awarded by the Tribunal. The Tribunal has rightly awarded loss of estate and funeral expenses in a sum of Rs.18,000/- each.

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



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Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	12,87,036/-
02.	Loss of consortium	1,44,000/-
03.	Loss of Estate	18,000/-
04.	Funeral Expenses	18,000/-
Total		14,37,036/-

12. Considering the above aspects, claimants are entitled to total compensation of Rs.14,37,036/- as against Rs.13,99,164/- with interest at the rate of 6% per annum from the date of petition till realization. Consequently, claimants are entitled to enhanced compensation of Rs.67,872/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.3 -insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant -claimant is entitled to enhanced compensation of Rs.67,872/- with



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interest at the rate of 6% per annum from the date of petition till realization.

- iii) Respondent No.3 -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 80:10:10 as determined by the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 SI No.: 7
Ct.sm