



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 4378 OF 2023 (MV)

C/W

MISCELLANEOUS FIRST APPEAL NO.3047 OF 2023(MV-D)

IN MFA No. 4378/2023

BETWEEN:

1. SRI. RAMAKRISHNA I.C.,
S/O I.A CHENAGAPPA
AGED ABOUT 61 YEARS
2. SRI NITHIN I.R
S/O RAMAKRISHNAPPA I.C
AGED ABOUT 30 YEARS
3. KUM. NISHITHA I.R
D/O RAMAKRISHNAPPA I.C
AGED ABOUT 24 YEARS

ALL ARE RESIDING AT
NO.8, 15TH A CROSS
BHUVANESHWARINAGAR
HEBBAL KEMPAPURA
BENGALURU-24

...APPELLANTS

(BY SRI. A.S. GIRISH, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



AND:

1. THE MANAGER
UNIVERSAL SOMPO GENERAL
INSURANCE CO. LTD.,
NO.7/3, KUD TOWERS
2ND FLOOR, OLD MADRAS ROAD
INDIRANAGAR, BENGALRU-38
(INSURER OF OFFENDING VEHICLE
MARUTHI SWIFT CAR BEARING
NO.KA-04-AB-06-04)
2. MR KEERTHI G.V
S/O VENKATESH GOWDA G.K
MAJOR
NO.100/1, 4TH CROSS
NEELAKANTESHWARA TEMPLE
SANJIVININAGAR
HEGGANAHALLI
BENGALURU-560 091

...RESPONDENTS

(BY SRI. PRADEEP B, ADVOCATE FOR R1,
VIDE COURT ORDER DATED 11/08/2023, NOTICE TO R2
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.02.01.2023 PASSED IN MVC
NO.1686/2020 ON THE FILE OF THE VII ADDITIONAL SMALL
CAUSE JUDGE AND ACMM, MEMBER, MACT-3, BENGALURU,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.



IN MFA NO. 3047/2023

BETWEEN:

THE DIVISIONAL MANAGER
UNIVERSAL SOMPO GICJ LTD.,
NO.7/3, KUD TOWERS, 2ND FLOOR,
OLD MADRAS ROAD,
INDIRANAGAR, BANGALORE-38
NOW REP BY ITS
THE MANAGER,
UNIVERSAL SOMPO GIC LTD.,
4TH FLOOR, KVV SAMRAT,
217/A, 3RD MAIN,
OUTER RING ROAD,
KASTURI NAGAR,
BANGALORE-560 043.

...APPELLANT

(BY SRI. PRADEEP B, ADVOCATE)

AND:

1. RAMAKRISHNA.I. C.
S/O LATE I.A.CHENGAPPA
AGED ABOUT 61 YEARS,
2. NITHIN I.R.
S/O RAMAKRISHNA
AGED ABOUT 30 YEARS,
3. NISHITHA I.R.
D/O RAMAKRISHNA I.C.
AGED ABOUT 24 YEARS,

ALL ARE R/AT
NO.8, 25TH 'A' CRISS,
BHUVANESHWARINAGAR,
HEBBAL KEMPAPURA
BENGALORE-24.



4. KEERTHI G.V.
S/O VENKATESH GOWDA G.K,
NO.100/1, 4TH CROSS,
NEELAKANTESHWARA TEMPLE
SANJIVINAGAR,
HEGGANAHALLI,
BANGALORE-91.

...RESPONDENTS

(BY SRI. A.S GIRISH, ADVOCATE FOR R1-R3,
VIDE COURT ORDER DATED 27/11/2023, NOTICE TO
R4 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 02.1.2023 PASSED
IN MVC NO. 1686/2020 ON THE FILE OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES,
VII ADDITIONAL SMALL CAUSES JUDGE AND ACMM,
MEMBER MACT-3, BENGALURU, AWARDING
COMPENSATION OF RS. 1,05,50,052/- WITH INTEREST
AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL
THE DATE OF DEPOSIT.

THESE APPEALS, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

These two appeals are directed against the judgment and award dated 02.01.2023 passed in M.V.C.No.1686/2020 by the Motor Accident Claims Tribunal and Court of Small Causes at Bengaluru (for brevity, 'the Tribunal'). Both the Insurer as well as claimants are in appeals. The insurer is in appeal questioning the quantum of compensation and claimants are in appeal dissatisfied with quantum of compensation and praying for enhancement.

2. The brief facts of the case are that the claimants are husband and children of deceased Rashmi R. They have filed claim petition under Section 166 of Motor Vehicles Act, 1988 claiming compensation for the accidental death of said Rashmi R., in a road traffic accident that occurred on 13.03.2020 involving car bearing No.KA-50-N-5271 and car bearing No.KA-04-AB-0604. It is stated that the deceased was working as Director at Star Allianz Chits Private Limited, Bengaluru and earning Rs.1,05,000/- per month. It is also



stated that the deceased was aged 50 years as on the date of accident.

3. On issuance of notice, the insurer of car bearing No.KA-04-AB-0604 appeared and filed statement of objection denying the claim petition averments and further contended that the accident occurred due to negligence of the driver of car bearing No.KA-50-N-5271 and further stated that the liability would be in terms and conditions of the policy. Thus, he prayed for dismissal of the claim petition.

4. On behalf of the claimants, claimant No.1 examined himself as PW.4 apart from examining other witnesses and marked 44 documents as Exs.P1 to P44 and no evidence was led on behalf of the insurer.

5. The Tribunal, after appreciating the materials on record, has awarded total compensation of Rs.1,05,50,052/- on the following heads:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of Dependency	1,04,00,052
2.	Towards spousal consortium (for petitioner No.1)	40,000



3.	Towards parental consortium (for petitioner Nos.1 and 3)	80,000
4.	Loss of estate	15,000
5.	Funeral Expenses	15,000
	Total	1,05,50,052

6. While awarding above compensation, the Tribunal has assessed the income of the deceased at Rs.80,000/- per month placing reliance on Ex.P41 and Ex.P23 IT returns and added 25% of the assessed income towards future prospects, deducting 1/3rd towards personal and living expenses and applied multiplier of '13'.

7. The insurer is before this Court contending that the compensation awarded is on the higher side, while the claimants are before this Court contending that the compensation awarded by the Tribunal is on the meager side and praying for enhancement of compensation.

8. Learned Counsel Sri. B. Pradeep, appearing on behalf of insurance company as well the learned counsel Sri. A.S. Girish, appearing for the claimants would contend that the Tribunal committed an error in assessing the income of the



deceased at Rs.80,000/- per month. They submit that Ex.P23 is Income Tax return relating to the assessment years 2017-18, 2018-19 and 2019-20 and that the average income of all three assessment years, if calculated, would be Rs.10,17,965/- per annum. Therefore, both the learned counsel would submit based on Ex.P23, the income of the deceased shall have to be assessed at Rs.10,17,965/- for the purpose of awarding compensation on the head of dependency.

9. Learned counsel Sri. B. Pradeep, appearing for the insurer submits that the Tribunal erred in assessing the age of the deceased as 50 years and consequently, applying the multiplier of 13 and assessing the future prospects at 25%. He would submit that in terms of the date of birth of the deceased as mentioned in the IT return, as on the date of accident, the deceased had crossed 50 years. As such, multiplier has to be taken at '11' and the future prospects has to be taken at 10%.

10. *Per contra*, learned counsel Sri. A.S. Girish, for the claimants would submit that he would not dispute the age of the deceased in terms of the date of birth. He would submit that taking note of Ex.P.23 - IT return, he would pray for



assessing the income and pass appropriate order enhancing the compensation.

11. Having heard the learned counsel for the parties and on perusal of the entire appeal papers, the following points arise for our consideration,

"1. Whether the Tribunal was justified in assessing the income of the deceased at Rs.80,000/- per month?

2. Whether the Tribunal was justified in adding 25% towards future prospect?

3. Whether the Tribunal was justified in applying multiplier of '13'?"

12. Answer to point Nos.1 and 2 would be in the negative and answer to point No.3 would be in the affirmative for the following reasons:

13. The accident that occurred on 13.03.2020 involving car bearing No.KA-50-N-5271 and car bearing No.KA-04-AB-0604 and the accidental death of Rashmi R., wife of first claimant is not in dispute in this appeal. The claimants are before this Court in M.F.A.No.4378/2023 claiming enhancement



of compensation, whereas the insurer is before this Court in M.F.A.No.3047/2023 questioning the quantum of compensation awarded by the Tribunal.

14. The Tribunal assessed the income of the deceased at Rs.80,000/- per month. However, the Tribunal has failed to properly appreciate Ex.P23 - IT returns filed for the assessment years (for short, 'AY') 2017-18, 2018-19 and 2019-20. The total income shown for AY 2017-18 is Rs.11,60,700/- and the income tax paid is Rs.1,26,023/- which would mean that after deduction of tax, income would be Rs.9,34,677/-. Similarly for the AY 2018-19 total income shown is Rs.11,97,600/- out of which Rs.1,22,600/- is paid towards income tax and after deduction of tax, net income would be Rs.10,75,000/-. Likewise for the AY 2019-2020 total income is shown as Rs.11,57,600/- out of which Rs.1,13,381/- is paid towards income tax, and after deducting income tax, net income would be Rs.10,44,219/-. If average of all the three years income is taken, it would be Rs.10,17,965/- per annum. Thus, it would be appropriate to assess the income by taking note of Ex.P23 at Rs.10,17,965/-.



15. Admittedly, the date of birth of the deceased is 30.01.1970 and as on the date of accident she was aged about 50 years 57 days. However, she had not attained the age of 51 years so as to apply multiplier of '11'. The Hon'ble Apex Court in the case ***Samsun Bee and others vs. United India Insurance Company Limited and others*** reported in **2026 ACJ 532** has held that higher multiplier continues to apply till deceased completes entry into next age bracket and it does not shift merely upon crossing threshold age. The relevant paragraph Nos.4 and 9 reads as follows:

"4. The Tribunal, vide its award, held the Respondent No. 1, 2 and 3 herein, to be jointly and severally liable to pay an amount of Rs.7,56,600/- to the claimant-appellants herein along with interest @ 7% per annum. The monthly income of the deceased was fixed as Rs.150/- per day, which comes to Rs.4,500/- per month, on a notional basis, in the absence of any other evidence on record. In accordance with settled principles of law laid down in **National Insurance Company v. Praney Sethi**, a deduction of 1/5th of his income was made considering eight dependants. The Tribunal considered the age of the deceased as 45 years 3 months, relying upon the marksheet P.P. 14 and



came to the conclusion that the deceased was older than 45 years and younger than 50 years at the time of accident and applied the multiplier of 13. Moreover, different amounts were awarded towards conventional heads, as per law.

5. XXX

6. XXX

7. XXX

8. XXX

9. *On the aspect of multiplier, both the Tribunal and the High Court applied it to be 13. As already observed supra the age was determined as 45 years and 3 months on the basis of marksheet. The question that arises is whether the multiplier to be applied will be 13 or 14, given the categorisation made in **Sarla Verma (Supra)**. The same is reproduced as under for reference, as approved in **Pranay Sethi (Supra)**.*

"42. As far as the multiplier is concerned, the Claims Tribunal and the courts shall be guided by Step 2 that finds place in para 19 of Sarla Verma [Sarla Verma v. DTC, (2009) 6 SCC 121 : (2009) 2 SCC (Civ) 770 : (2009) 2 SCC (Cri) 1002] read with para 42 of the said judgment. For the sake of completeness, para 42 is extracted below : (Sarla Verma



case [Sarla Verma v. DTC, (2009) 6 SCC 121 : (2009) 2 SCC (Civ) 770 : (2009) 2 SCC (Cri) 1002] , SCC p. 140) "42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the Table above (prepared by applying Susamma Thomas [Kerala SRTC v. Susamma Thomas, (1994) 2 SCC 176 : 1994 SCC (Cri) 335] , Trilok Chandra [UP SRTC v. Trilok Chandra, (1996) 4 SCC 362] and Charlie [New India Assurance Co. Ltd. v. Charlie, (2005) 10 SCC 720 : 2005 SCC (Cri) 1657]), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is, M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."

As can be seen from the above the multiplier of 14 is to be applied when the age of the deceased person is falls within 41 to 45 and



multiplier of 13 is to be applied when the age of the deceased person is between 46 and 50. In this case, the age is categorically recorded as been 45 years and 3 months. The question then is whether the higher multiplier would continue to apply till the person has clearly entered into the next age bracket i.e., 46 to 50 or, would the lower multiplier be applied immediately after the day, that the deceased person crosses the threshold of 45 for instance as in the present case. In our considered view, the former is the correct approach. We say so for the reason that, in general parlance when age is described or discussed, the higher number is addressed only when the person attains that particular age. That apart, legally speaking the age is a crucial aspect that has to be taken into account when the Tribunal or higher appellate authorities are tasked with determining the possibilities of future earning of the deceased person. The higher the age the lesser the multiplier. Therefore, keeping in view the overarching principle of just and fair compensation which is to inform each and every computation, application of a lower multiplier right at the higher threshold of the previous one, it has to be held the same would be impermissible. In other words, the high limit of the previous multiplier would be inclusive of the 12 months' time, till the age of the deceased person is squarely within the lower limit of the



next bracket. To illustrate, in case where the age of the deceased person or injured person, is 35 years 11 months, then the multiplier of 16 would apply, instead of 15. The later would only apply once the injured/deceased has positively crossed the age of 36 years, for example if he was aged 36 years and 3 days."

16. Therefore, in the instant case, the Tribunal is justified in applying multiplier of '13'.

17. The Tribunal committed a grave error in adding 25% of the assessed income towards future prospects. In terms of the decision of the Hon'ble Apex Court in the case of ***National Insurance Company Limited vs. Pranay Sethi and Others*** reported in **(2017) 16 SCC 680**, if the deceased is self employed, 40% of the assessed income could be added towards future prospects, wherever the deceased is below 40 years and 25% could be added wherever the deceased was aged between 40 and 50 years and 10% of assessed income could be added wherever the deceased was aged between 50 and 60 years. Therefore, in the instant case, since the deceased had crossed 50 years, she would fall under the age group of 50 to 60 years and thus, the claimants would be



entitled for adding only 10% of the assessed income towards future prospects.

18. Thus, the claimants would be entitled for '*loss of dependency*' at **Rs.97,04,604/-** (Rs.10,17,965/- + 10% - $1/3^{\text{rd}}$ X 13).

19. The Tribunal has rightly awarded Rs.1,20,000/- towards consortium as well as Rs.15,000/- each on the conventional head, which needs no interference.

20. Thus, the claimants would be entitled for the modified compensation as follows:

Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Loss of Dependency	1,04,00,052	97,04,604
2.	Towards spousal consortium (for petitioner No.1)	40,000	40,000
3.	Towards parental consortium (for petitioner Nos.1 and 3)	80,000	80,000
4.	Loss of estate	15,000	15,000
5.	Funeral Expenses	15,000	15,000
	Total	1,05,50,052	98,54,604



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C/W MFA No. 3047 of 2023

21. Thus, the claimants would be entitled to the total compensation of **Rs.98,54,604/-** as against Rs.1,05,50,052/-, along with interest at the rate of 6% per annum from the date of petition till its realization.

22. The Insurance Company is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.

23. The amount in deposit shall be transmitted to the Tribunal. The apportionment of the amount of compensation shall be in terms of the award of the Tribunal.

24. Accordingly, the appeal of the claimants as well as the appeal of insurer are ***allowed in part.***

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE