



CNR: KAHC010340282024

NC: 2026:KHC:44263-DB
MFA No. 4076 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 4076 OF 2024

(MV-D)

BETWEEN:

1. SMT. NITHYA H. R.,
W/O LATE. G.P. MURALI,
AGED ABOUT 31 YEARS,
2. SRI. G.M. PUTTASWAMY
S/O LATE. G.G. MANJAPPA GOWDA,
AGED ABOUT 71 YEARS,

3. SMT. CHANDRAMATHI
W/O G.M. PUTTASWAMY,
AGED ABOUT 66 YEARS,

ALL ARE R/AT GURJENAHALLI VILLAGE,
NADAHALLI KUMBARADI POST,
HANUBALU HOBLI, SAKALESHPURA TALUK,
HASSAN DISTRICT – 573 201.

...APPELLANTS

(BY SRI. H. J. ANANDA, ADVOCATE)

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. DHARMARAJU M. S.,
S/O SOMAIAH
MAJOR,
R/O MARANAHALLI,
HEGGADDE, HANUBALU HOBLI,
SAKALESH PURA TALUK,
HASSAN DISTRICT – 573 201.
2. THE BRANCH MANAGER
THE NEW INDIA ASSURANCE
COMPANY LIMITED,
CHANDANA COMPLEX,
HARSHAMAHAL ROAD,
HASSAN – 573 201.

...RESPONDENTS

(V/O DTD. 09.08.2024 NOTICE R1 IS D/W
SRI. R. GOVINDARAJAN, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 06.12.2023 PASSED IN MVC
NO.1540/2021 ON THE FILE OF THE COURT OF II
ADDITIONAL SENIOR CIVIL JUDGE, MACT, HASSAN, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION AND ETC.,

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



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CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R DEVDAS)

This Miscellaneous First Appeal is filed challenging the judgment and award dated 06.12.2023 in MVC No.1540/2021 passed by the II Addl. Senior Civil Judge and MACT, Hassan (hereinafter referred to as 'Tribunal' for short). By the impugned judgment and award, the Tribunal has awarded compensation to the appellants/claimants in a sum of Rs.26,09,536/- along with interest at the rate of 6% per annum from the date of petition till realization.

2. The undisputed facts are that on 12.03.2021 at about 5.30 p.m. when the deceased Murali was riding pillion on his brand new bike Passion Pro along with his relative Naveen and when they reached Gurjenahalli village, Hanubalu Hobli, Sakleshpura taluk, the driver of a car - 'Jeep' make bearing registration No.KA-02-M1626,



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drove the car in a rash and negligent manner and hit the two wheeler and as a consequence, Murali fell down and sustained grievous injuries. He was shifted to C.S. Hospital, Sakleshpura and thereafter he was shifted to S.S.M.Hospital, Hassan for further treatment. Murali was thereafter shifted to Father Muller Hospital, Mangaluru and many other Hospitals, due to the restrictions at that point of time owing to COVID, he was not able to get admission in any of these Hospitals. Finally, he was admitted to KMC Hospital, Mangaluru. On 25.06.2021 Murali was discharged from KMC Hospital and thereafter he was admitted to C.S.Hospital, Sakleshpura. However, on the same day i.e., 25.06.2021 at about 5.35 p.m. Murali breathed his last.

3. A claim petition under Section 166 of Motor Vehicles Act, 1988 was filed by the widow of Murali along with his parents before the Tribunal. Although it was contented by the claimants that the deceased was a coffee planter and was also doing welding work and he used to



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earn about ₹60,000/- per month, nevertheless, the Tribunal held that the claimants have failed to prove that the deceased had a regular source of income and accordingly the Tribunal applied notional income at ₹14,000/- per month.

4. Learned counsel for the appellants submits that in terms of the chart prepared by this Court with the assistance of the Karnataka State Legal Services Authority, during the year 2021 the income of the deceased should have been taken at ₹15,000/- p.m. Further, it is submitted that the Tribunal has not awarded any compensation under the head 'Future Prospects'. It is submitted that having regard to the age of the deceased person i.e., 36 yrs., at the time of his death, the multiplier of '15' is correctly taken by the Tribunal.

5. Learned counsel would further submit that as stated earlier, the accident occurred on 12.03.2021, but the deceased died on 25.06.2021 and for more than three months, he was hospitalized and the family incurred huge



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medical expenses. But the Tribunal has not awarded any amount under the head 'Pain and Sufferings' but the Tribunal has only awarded ₹8,59,416/- towards medical expenses.

6. Learned Counsel would further submit that the Tribunal has only awarded ₹40,000/- towards 'Loss of Consortium', although the parents of the deceased person were also claimants and in terms of the judgment of the Hon'ble Supreme Court in the case of ***Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram (2018) 18 SCC 130***, the parents were also entitled for payment of compensation under the head 'Filial Consortium'. Further, the Tribunal should have enhanced the compensation amount under the said head at the rate of 10% p.a. for every three years.

7. Learned counsel for the respondent-Insurance Company although admits that in terms of the chart prepared by this Court, the notional income of ₹15,000/- p.m. should have been taken in the year 2021 and Future



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Prospects also should have been included, nevertheless learned counsel would submit that having regard to the judgment of the constitutional bench in the case of ***National Insurance Company Ltd., Vs. Pranay Sethi 2017 (16) SCC 680***, there cannot be a separate heading 'Pain and Sufferings' in a death case. Further, the Tribunal has rightly awarded a sum of ₹8,59,416/- towards medical expenses, having regard to the evidence placed on record.

8. Having heard the learned counsel for the appellants/claimants and the learned counsel for the respondent-Insurance Company and having perused the original records, this Court finds that there is no opposition to the claim of the appellants insofar as the income that should have been taken for consideration as notional. Having regard to the chart prepared by this Court, for a death that has occurred in the year 2021, the notional income should have been taken at ₹15,000/- and not ₹14,000/-.



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9. Further, towards 'Future Prospects', as directed by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), having regard to the age of the deceased person i.e., 36 yrs., 40% should have been added towards 'Future Prospects'. Accordingly, $1/3^{\text{rd}}$ has to be deducted towards personal expenses and the applicable multiplier for the age of 36 years is '15'. Therefore, the compensation under the head 'Loss of Dependency' would be $(₹15,000 + 40\% = ₹21,000 / 1/3^{\text{rd}} = ₹14,000/- \times '15' \times 12 = ₹25,20,000/-)$.

10. As rightly submitted by the learned counsel for the appellants and having regard to the law laid down by the appellate court in the case of **Magma General** (supra), the parents of the deceased i.e., appellants No.2 and 3 are also entitled for payment of compensation under the heading 'Filial Consortium' at the rate of ₹40,000/- each. Further, the same requires enhancement at the rate of 10% and therefore it comes to $(₹40,000/- + ₹4,000 \times 3 = ₹1,32,000/-)$. Further, the Tribunal has rightly awarded a sum of Rs.8,59,416/- under the Medical Expenses and



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therefore, the same does not warrant interference by this Court

11. Further, the Tribunal has awarded a sum of Rs.15,000/- each under the heads 'Loss of Estate' and 'Funeral Expenses'. 10% escalation is required to be made under the said heads. Therefore, ($\text{₹}15,000 + 10\% = \text{₹}16,500/-$ each) under the two headings are to be awarded to the appellants.

12. The claimants are therefore, entitled to the compensation under the following heads:

SL. No.	Heads		Compensation Awarded by Tribunal		Compensation Awarded by this Court
1.	Loss of Dependency	:	Rs.	16,80,120/-	25,20,000/-
2.	Funeral Expenses	:	Rs.	15,000/-	16,500/-
3.	Loss of Estate	:	Rs.	15,000/-	16,500/-
4.	Loss of Filial Consortium	:	Rs.	40,000/-	1,32,000/-
5.	Medical expenses	:	Rs.	8,59,416/-	8,59,416/-
	TOTAL		Rs.	26,09,536/-	35,44,416/-
	Enhancement		Rs.	9,34,880/-	



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13. Altogether, the claimants are entitled for an enhanced compensation of **Rs.9,34,880/-**. The appellants/claimants are therefore entitled for a total compensation of ₹35,44,416/- as opposed to ₹26,09,536/- awarded by the Tribunal. The enhanced compensation of ₹9,34,880/- shall carry interest at the rate of 6% per annum from the date of petition till realisation.

14. For the aforementioned reasons, this Court proceeds to pass the following:

- i) Accordingly the appeal is ***partly allowed*** by enhancing the compensation from an amount of Rs.26,09,536/- to **Rs.35,44,416/-**.
- ii) The compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of realization.
- iii) The Insurance Company shall deposit the remainder amount before the concerned Tribunal within a period of six weeks from the date of receipt of copy of the judgment. On



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such deposit, the claimants are entitled to withdraw the amount as per the award.

- v) The amount in deposit shall be transferred to the Tribunal forthwith.
- vi) The apportionment of the amount shall be as per the order passed by the Tribunal.
- vii) Registry is directed to return the Trial Court Records to the Tribunal, along with certified copy of the order passed by this Court forthwith without any delay.
- viii) No costs.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

JT/-
CT: JL