



CNR: KAHC010350272023

NC: 2026:KHC:45125
MFA No. 4753 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.4753 OF 2023(MV-D)

BETWEEN:

1. SHRI. NEELAKANTAPPA N.M.,
S/O MALLEGOWDA,
AGED ABOUT 56 YEARS,
2. SMT. PARVATHAMMA,
W/O NEELAKANTAPPA,
AGED ABOUT 50 YEARS,

BOTH ARE RESIDING AT
NIDIGERE VILLAGE,
SAKALESHAPURA,
HASSAN DISTRICT - 573 134.
(ADDRESS OF THE APPEALLANT HAS
BEEN LEFT OUT IN THE JUDGMENT
AND CORRECT ADDRESS HAS BEEN STATED)

...APPELLANTS

(BY SRI. SHANTHARAJ K., ADVOCATE)

AND:

1. IFCO TOKIO GENERAL
INSURANCE CO., LTD.,
BY ITS MANAGER,
NO.41, 3RD FLOOR,
VISHNU COMPLEX,
LAVELLE ROAD,
BENGALURU - 560 001.



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2. SRI. NAGARAJ NADAKATTI,
S/O SHIVAYOGAPPA,
AGED MAJOR,
RESIDING AT MATTIKOPPA BUILDING,
NEW COTTON MARKET,
HUBLI - 580 029.

...RESPONDENTS

(BY SRI. PRADEEP B., ADVOCATE FOR R1,
VIDE ORDER DATED 14.07.2023 NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:02.09.2022
PASSED IN MVC NO.7031/2018 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 T.M.NADAF

ORAL JUDGMENT

This appeal by the claimants seeking enhancement of
compensation, arising out of Judgment and Award dated



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02.09.2022, passed by the III Addl. Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-18)¹, in MVC No.7031/2018.

2. The parties are referred to as per their ranking before the Tribunal.

3. Facts germane to file the present appeal are as under:

In an accident occurred on 23.12.2017, deceased Manjunath S/o.Neelakantappa, aged about 26 years, succumbed to the injuries due to actionable rash and negligent driving of the Car by its driver bearing registration No.KA-25-N-9732. The claimants filed claim petition seeking compensation of Rs.50,00,000/- under Section 166 of the Motor Vehicles Act, 1988. The Tribunal upon considering the evidence on record, awarded total compensation of Rs.16,95,763/- with interest @ 6% per annum from the date of petition till the date of deposit,

¹ the Tribunal, for short



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considering the income at Rs.9,430/- per month in terms of the salary certificate produced by the claimants and deducting 50% towards personal expenses. Further, the Tribunal considered the case for awarding 10% escalation on the compensation awarded under conventional heads. it is this Judgment and Award passed by the Tribunal, is called in question in this appeal by the claimants seeking enhancement.

4. Heard, Sri.Shantharaj.K, learned counsel appearing for the claimant and Sri.Pradeep.B, learned counsel appearing for respondent No.1 Insurer. Vide order dated 14.07.2023, notice of this appeal on respondent No.2 is dispensed with.

5. Sri.Shantharaj.K, learned counsel submits that the Tribunal has failed to consider the income provided under the Chart prepared by the Karnataka State Legal Services Authority for settling the dispute before the Lok-Adalat for the year 2017. As per the Chart, the income for



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the year 2017 is Rs.11,000/-. Though the salary certificates were produced, but there is also another document which clearly shows that the deceased was relieved from the job earlier to the date of accident. In that view of the matter, the salary certificate produced were much earlier to the death of deceased Manjunath. Hence, the Tribunal ought to have considered that no documents with respect to income of the deceased are produced. In that view of the matter, the Tribunal ought to have considered the income at the rate of Rs.11,000/- per month in the absence of any proof of income.

5.1 Learned counsel further submits that the Tribunal deducted 50% of the income towards personal expenses, however in view of two claimants, the deduction should have been $\frac{1}{3}^{\text{rd}}$ towards personal expenses. He also submits that the claimants are entitled for 10% escalation on the compensation awarded under conventional heads in view of continuation of proceedings in this appeal. Learned



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counsel further submits that the claimants have produced SSLC markscard of the deceased. In that view of the matter, the amount fixed under the chart i.e., Rs.11,000/- is in respect of unskilled labor, whereas a person with SSLC cannot be equated with unskilled labor. Hence, he submits that appropriate income may be considered and sought to allow the appeal.

6. In contrast, B.Pradeep, submits that in view of the documents produced by the claimants themselves, the Tribunal has considered the same and properly taken income at Rs.9,430/- and deducted 50% towards personal expenses and even granted 10% escalation while awarding compensation. As such, there is no scope for enhancement. However, he is not in dispute with the fact that the deceased was relieved from the job much earlier to the date of death.



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7. Having considered the rival submissions, this Court perused the entire appeal paper as well as Trial Court record.

8. This Court finds force in the argument of learned counsel Sri.K.Shantharaj that, the deceased was relieved from the earlier job, much earlier to the accident, wherein as per the Salary certificate he was paid less amount, than the one fixed under the Chart. This Court further finds force in the argument of Sri.Shantharaj on the count that, the deceased has completed SSLC and the amount even fixed under the Chart is in respect of unskilled labor and a person with SSLC cannot be equated with an unskilled labor. In that view of the matter, this Court is of the opinion that, if a sum of Rs.400/- is considered as a daily income, the same would come to Rs.12,000/- per month instead of Rs.11,000/- and if the same is considered, it would meet the ends of justice.



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9. Further, in view of settled position of law by the Hon'ble Supreme Court of India in **SARLA VERMA AND OTHERS VS. DELHI TRANSPORT CORPORATION AND ANOTHER²**, this Court decline to accept the argument of Sri.K.Shantharaj, regarding 1/3rd deduction towards personal expenses of the deceased instead of 50%. The Tribunal has properly considered the personal expenses at 50%, which does not call for any interference. However, this Court in view of law laid down by the Hon'ble Apex Court in **NATIONAL INSURANCE CO. LTD., VS. PRANAY SETHI³**, is of the opinion that, the claimants are entitled for 10% escalation on the compensation awarded under conventional head for another period of three years, in view of the fact that the appeal is continuation of original proceedings. Further, considering the age of the deceased, 40% is required to be added towards future

² 2009 ACJ 1298

³ 2017 (16) SCC 680



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prospectus. Accordingly, this Court proceeds to re-assess the compensation, as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	13,46,604-00	17,13,600-00 (12,000+40%x12x17x2/3)
2.	Loss of consortium	44,000-00	80,000-00 (40,000x2)
3.	Loss of estate	16,500-00	15,000-00
4.	Towards funeral & obsequies ceremony expenses	16,500-00	15,000-00
5.	Towards transportation of dead body	10,000-00	-
6	10% escalation (for two terms of three completed years on conventional heads)	-	22,000
7	Medical expenses	2,62,159-00	2,62,159-00
	TOTAL	16,95,763-00	21,07,759-00

10. The claimants are entitled for enhanced compensation of Rs.4,11,996/- (21,07,759 - 16,95,763), rounded off at **Rs.4,12,000/-**, with interest @ 6% per annum from the date of petition till realization.



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11. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The Judgment and Award dated 02.09.2022, passed by the III Addl. Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-18), in MVC No.7031/2018 is modified and the compensation is enhanced.
- (iii) The claimants are entitled for enhanced compensation of **Rs.4,12,000/-** along with interest @ 6% per annum from the date of petition till realization.
- (iv) Respondent No.1 - Insurer shall deposit the enhanced compensation amount along with interest supra, within six weeks from the date of receipt of certified copy of this order, before the Concerned Tribunal.



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- (v) The apportionment and disbursement is as per the order passed by the Tribunal.
- (vi) The Trial Court record secured if any, shall be transmitted forthwith to the concerned Tribunal without causing any delay.
- (vii) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 14
ct-vn