



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4894 OF 2016 (MV-D)

BETWEEN:

1. SRI AFSAR PASHA
S/O ABDUL BASHEER,
AGED ABOUT 43 YEARS,

REPRESENTED BY HIS
WIFE OF GENERAL POWER OF
ATTORNEY HOLDER,
SMT SALMA TAJ

2. SMT SALMA TAJ
W/O AFSAR PASHA,
AGED ABOUT 35 YEARS,

BOTH ARE RESIDING AT NO.9,
5TH CROSS, SEETAPPA LAYOUT,
MANORAYANAPALYA
R T NAGAR POST,
BANGALORE - 560 032

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

(BY MR. SHAKEEL AHMED, ADVOCATE)

...APPELLANTS

AND:

1. MR. SYED ILYAS
S/O SYED AKBAR SAB,
MAJOR IN AGE,
RESIDING AT AKBAR MANZIL ADJ,
NEAR ADARSHA THEATRE,



M G ROAD, CHINTAMANI,
CHIKKABALLAPUR DISTRICT.
PIN CODE - 563 125

2. THE MANAGER LEGAL
NEW INDIA ASSURANCE CO LTD.,
P.P. HUB, 2ND FLOOR
MAHALAKSHMI CHAMBER,
M G ROAD,
BANGALORE - 560 001

...RESPONDENTS

(BY SRI. RAVI S. SAMPRATHI, ADVOCATE FOR R2
VIDE ORDER DATED 03.12.2024,
NOTICE TO R1 IS HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 26.02.2015 PASSED IN MVC
NO.1248/13 ON THE FILE OF THE 16TH ADDITIONAL JUDGE,
COURT OF SMALL CAUSES AND MACT, BENGALURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of learned counsel from both
sides.



2. The present appeal is filed by the parents of deceased against the award of the Tribunal dated 26.02.2015 passed by the MACT (SCCJ-14), Bengaluru in M.V.C.No.1248/2013.

3. Master Saqib Pasha met with an accident on 19.10.2012. His parents filed a claim petition claiming compensation of Rs.15,00,000/-. Tribunal after considering the entire evidence on record granted an amount of Rs.3,60,000/- with interest @ 9% p.a. from the date of petition till the date of payment.

4. Aggrieved by the said order the appellants have mainly contended that as per the postmortem report he died on 20.12.2012 and died due to multiple injuries sustained in the accident. He was aged 6 years. The accident occurred due to negligence of the driver of the offending vehicle. Crime No.227/2012 was registered against him and charge sheet is also filed. Notional income of Rs.20,000/- is to be considered. Tribunal relied upon



Ex.P.8 and by the said document the future of the child cannot be decided. The Tribunal has granted a meager amount under other heads and has requested for enhancement of the compensation.

5. Heard the arguments of learned counsel from both sides.

6. Master Saqib Pasha was aged 6 years at the time of accident. He met with accident in the year 2012 & died subsequently. Therefore, this Court deems it reasonable to consider the notional income as Rs.7,000/- p.m. as per the chart prepared by the Karnataka State Legal Services Authority and multiplier is to be taken as '15' as per the decision of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation** reported in **(2009) 6 SCC 121**. 50% is to be deducted towards personal expenses and he is entitled for 40% towards future prospects. Thus, loss of



dependency would be Rs.7,000/- + 40% x 15 x 12 – 50%
= Rs.8,82,000/-.

7. Appellants being parents each of them are entitled for an amount of Rs.40,000/- towards filial consortium and they are also entitled for Rs.30,000/- under conventional heads as per the decision of Hon'ble Supreme Court in the case of **Magma General Insurance Co., Ltd., Vs. Nanu Ram** reported in **(2018) 18 SCC 130**.

8. Thus, in all, compensation awarded by this Court is as below:

Particulars	Amount in Rs.
Loss of dependency	8,82,000/-
Filial Consortium	80,000/-
Conventional heads	30,000/-
Total	9,92,000/-

Compensation is enhanced from Rs.3,60,000/- to Rs.9,92,000/- and the enhanced compensation is Rs.6,32,000/-, which carries interest @ 6% per annum.



9. Accordingly, the following:

ORDER

- (i) The appeal is *allowed*.
- (ii) The impugned judgment and award dated 26.02.2015 passed by the MACT (SCCH-14) Bengaluru in M.V.C.No.1248/2013 is hereby modified.
- (iii) The compensation is enhanced from Rs.3,60,000/- to Rs.9,92,000/-.
- (iv) As Insurance Company already deposited the amount awarded by the Tribunal before the Court, they are directed to deposit the enhanced compensation of Rs.6,32,000/- with interest @ 6% within one month from the date of this order.

On such deposit, parents of the deceased are permitted to withdraw the entire amount along with the interest accrued on it, equally.

**Sd/-
(P SREE SUDHA)
JUDGE**