



CNR: KAHC010362252017

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NC: 2026:KHC:39954
MFA No. 4969 of 2017
C/W MFA.CROB No. 114 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4969 OF 2017 (MV-D)

C/W

MFA CROSS OBJECTION NO. 114 OF 2019 (MV-D)

IN MFA No. 4969/2017:

BETWEEN:

THE NATIONAL INSURANCE CO. LTD.,
BRANCH OFFICE
NEAR DOOM LIGHT CIRCLE
KOLAR, REPT. BY ITS REGIONAL MANAGER
BANGALORE REGIONAL OFFICE
144, SUBHARAM COMPLEX, M.G ROAD,
BANGALORE-560 001.

...APPELLANT

Digitally signed
by
PADMA SHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

(BY SRI. SRINIVASA K N., ADVOCATE)

AND:

1. SMT. BHAGYAMMA
W/O SRI ANJINAPPA,
AGED ABOUT 42 YEARS
2. SRI. ANJINAPPA
S/O LATE SRI GIDDAPPA
AGED ABOUT 47 YEARS

BOTH ARE R/AT BETTAHOSAPURA
KOLAR TALUK.



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3. SRI. L. KANNAN
S/O V G LAKSHMANA MUDALIYAR
AGED ABOUT 50 YEARS
R/AT NO.104/5,GAJARAJA
MUDALI STREET,
THOTTAPALAYAM,VELLORE
VELLORE DISTRICT
TAMILNADU STATE-632 004.

...RESPONDENTS

(BY SRI. N. GOPALAKRISHNA, ADVOCATE FOR R1 AND R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 18.01.2017 PASSED IN MVC NO.151/2015 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM AND MACT, KOLAR, AWARDED COMPENSATION OF RS.13,27,144/-WITH INTEREST AT 6% P.A. FROM THE DATE OF PETITION.

IN MFA.CROB NO. 114/2019:

BETWEEN:

1. SMT. BHAGYAMMA
W/O SRI. ANJINAPPA,
AGED ABOUT 44 YEARS
2. SRI. ANJINAPPA
S/O LATE SRI. GIDDAPPA
AGED ABOUT 49 YEARS

BOTH ARE R/AT BETTAHOSAPURA
KOLAR TALUK AND DISTRICT.

...CROSS OBJECTORS

(BY SRI. GOPAL KRISHNA N., ADVOCATE)

AND:

1. THE NATIONAL INSURANCE CO. LTD.,
BRANCH OFFICE
NEAR DOOM LIGHT CIRCLE
KOLAR-563 101,. BY ITS MANAGER.



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2. SRI L KANNAN
S/O V G LAKSHMANA MUDALIYAR
AGED: MAJOR,
R/AT NO.104/5,
GAJARAJA MUDALI STREET,
THOTTAPALAYAM,
VELLORE DISTRICT
TAMILNADU STATE-632 004.

...RESPONDENTS

(BY SRI. K.N. SRINIVASA., ADVOCATE FOR R1,
V/O DTD:30.07.2026 NOTICE TO R2 IS D/W)

THIS MFA CROB IN MFA NO.4969/2017 PASSED U/O.41
RULE 22(1) OF CPC R/W SEC.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT.18.01.2017 PASSED ON MVC
NO.151/2015 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE
& CJM, MACT, KOLAR, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS MFA AND MFA CROB COMING ON FOR ORDERS
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

MFA No.4969/2017 is filed by the
appellant/Insurance Company under Section 173(1) of
Motor Vehicles Act, 1988 challenging the judgment and
award dated 18.01.2017 passed on MVC No.151/2015 on
the file of the Prl. Senior Civil Judge & CJM, MACT, Kolar.



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2. MFA CROB.No.114/2019 is filed by the appellant/claimants under Section 173(1) of Motor Vehicles Act, 1988 to modify the judgment and award dated 18.01.2017 passed on MVC No.151/2015 on the file of the Prl. Senior Civil Judge & CJM, MACT, Kolar, and for enhancing the compensation.

3. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.1. The ranks of the parties are retained as per tribunal for the sake of convenience.

4. One Subramani met with an accident on 23.12.2014 and died subsequently. His parents filed claim petition claiming compensation of Rs.30,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.13,27,144/- along with interest rate of 6% per annum from the date of petition.

5. Aggrieved by the said order MFA No.4969/2017 is filed by Insurance Company and they stated that



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Subramani was bachelor, was aged 23 years at the time of the accident and 50% is to be deducted towards personal expenses, but the Tribunal erred in deducting one third of the same. It was stated that he was a painter, supervisor and working with different employers, but he failed to examine the employer. The Tribunal erred in taking the income as Rs.8,000/- per month which is on higher side. The Tribunal granted excessive amounts under the other heads. Therefore, requested for modification of the judgment.

6. In MFA CROB No.114/2019, by the claimants for enhancement of the compensation, they stated that he was aged 23 years. Though he was getting a fixed salary, Tribunal has taken notional income and 40% is to be added towards future prospects and thus they requested for enhancement of the compensation.

7. Heard the arguments of both sides.



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8. Though it is stated that Subramani was a painter by profession and earning Rs.15,000/- per month he has not filed any income proof. As he met with an accident in the year 2014, this Court finds that it is reasonable to pay his notional income as Rs.8,500/- per month, as per the chart prepared by Karnataka State Legal Services Authority. He was aged 25 years and the relevant multiplier is '18'. As per the judgment of the Hon'ble Supreme Court in the case of ***National Insurance Company Limited vs. Pranay Sethi and Others*** reported in ***(2017)16 SCC 680***, the petitioner is entitled for 40% towards future prospects and as he is a bachelor therefore, 50% is to be deducted towards personal expenses. Hence, loss of dependency comes to Rs. 8,500 + 40% x 12 x 18 - 50% = **Rs.12,85,200/-**. Petitioner Nos.1 and 2 are entitled for filial consortium of **Rs.40,000/-** each towards and they are also entitled for **Rs.30,000/-** under the Conventional heads.



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9. Thus in all, components awarded by this court are as below,

Sl.Nos.	Particulars	Amount in Rs.
1	Towards loss of dependency	12,85,200
2	Towards loss of consortium	80,000
3	Conventional heads	30,000
	Total	13,95,200

Hence, the compensation granted by tribunal is enhanced from Rs.13,27,114/- to **Rs.13,95,220/-** along with interest at the rate of 6% p.a.

10. In the result, the following order is passed:

ORDER

- i. Both appeals are ***allowed*** in part.
- ii. The judgment and award 18.01.2017 passed on MVC No.151/2015 on the file of the Prl. Senior Civil Judge & CJM, MACT, Kolar, is modified.



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- iii. The claimants are entitled to a sum of **Rs.13,95,220/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.13,27,114/- granted by the tribunal.
- iv. It is stated that insurance company has not deposited any compensation. They are directed to deposit **Rs.13,95,200/-** along With interest at the rate of 6% within 1 month from the date of the order.
- v. On such deposit, both petitioners are permitted to withdraw the entire amount along with interest accrued on the same, equally.



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- vi. On 30.07.2026, the delay of 447 days is condoned by this Court on the condition that the claimant will not be entitled for the interest in case of enhancement. Hence, Insurance Company is not liable to pay the interest for the delayed period.

Sd/-
(P SREE SUDHA)
JUDGE

AKV
CT:NR
List No.: 1 Sl No.: 4