



NC: 2026:KHC:32263-DB
MFA No.5693 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO.5693 OF 2022 (MV-D)

BETWEEN:

1. DURGAMMA MANJAPPA NAIK
W/O MANJAPPA NAIK
AGED ABOUT 53 YEARS.
2. SAVITHRI NAIK
D/O MANJAPPA NAIK
AGED ABOUT 35 YEARS.
3. THIMMAPPA NAIK
S/O MANJAPPA NAIK
AGED ABOUT 29 YEARS.
4. VASANTHI NAIK
D/O MANJAPPA NAIK
AGED ABOUT 25 YEARS.
5. NAYANA MANJAPPA NAIK
D/O MANJAPPA NAIK
AGED ABOUT 22 YEARS

ALL ARE R/AT H.NO.429
BAILKERIMANE, PURAVARGA VILLAGE
SARPANKATTE POST
BHATKAL TALUK - 581 320.

...APPELLANTS

(BY SRI PAVANA CHANDRA SHETTY H., ADVOCATE)

AND:

1. MOHAMMED PAIYAZ
S/O MOHAMMED SADIQUE
AGED ABOUT 28 YEARS
R/AT MADEENA COLONY
HEBLE, BHATKAL TALUK
U.K.DISTRICT-581 320.

Digitally signed by
SUMATHY
KARNATAKA
Location: BANGALURU
COURT OF
KARNATAKA



2. MOHAMMED JAFAR AKRAMI
S/O JAINULUDDIN AKRAMI
AGED ABOUT 41 YEARS
R/AT HANIPABAD, HEBLE
BHATKAL TALUK, U.K.DISTRICT-581 320.
3. THE UNITED INDIA INSURANCE CO. LTD.,
BRANCH OFFICE, 16TH CROSS
DHANRAJ BUILDING, RAJEEV GANDHI NAGAR
BOMMANAHALLI, BENGALURU – 560 068
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI C.SHANKAR REDDY, ADVOCATE FOR R3;
NOTICE TO R1 & R2 DISPENSED WITH V/C/O DTD. 09.02.2026)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S.173(1) OF MV ACT PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 14.02.2022 PASSED IN MVC NO.509/2019 ON THE FILE OF THE MEMBER, ADDITIONAL MACT, SENIOR CIVIL JUDGE & JMFC, BHATKAL, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MISCELLANEOUS FIRST APPEAL COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal seeks to challenge the judgment and award dated 14.02.2022 in M.V.C.No.509/2019 passed by the Additional MACT and Senior Civil Judge & JMFC, Bhatkal (hereinafter referred to as the 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded compensation to the appellants/claimants in a sum of



Rs.4,70,000/- along with interest at the rate of 6% per annum from the date of petition till deposit of the award amount in the Tribunal.

2. The Appeal has been filed by the appellants/claimants. Notice to respondent Nos.1 and 2/driver and owner respectively was dispensed with by order dated 09.02.2026 passed by this Court. The appeal has been contested by the appellants/claimants and learned Counsel for respondent No.3/Insurance Company.

3. The Appeal though listed for admission, with the consent of the learned Counsel for the parties, is taken up for final hearing and disposal today itself.

4. Briefly the facts of the case are that on 30.04.2019 at about 11.45 p.m., when the deceased Manjappa Naik was standing by the side of National Highway-66 near Danish Hotel, Puravarga, Bhatkal Taluk, at that time, Tavera Car bearing Registration No.KA-01-AD-7148 came from Kundapura side with high speed and in a rash and negligent manner and hit the deceased. As a result, the deceased sustained multiple injuries



including grievous injuries and succumbed to his injuries at the spot itself.

4.1. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'M.V.Act' for short) was filed by the wife, three daughters and son of the deceased contending that at the time of the accident, the deceased was working as a mason and earning about Rs.18,000/- per month.

4.2. The service was effected on the driver, owner of Tavera Car (R1 & R2) and the Insurance Company (R3). Respondent Nos.1 and 2 though appeared through their learned Counsel, they did not file any statement of objections. The claim petition was contested only by respondent No.3/Insurance Company before the learned Tribunal by filing a statement of objection.

4.3. Based on the pleadings of the parties, the following issues were framed by the learned Tribunal:

- "(i) *Whether the petitioners prove that on 30-04-2019 at about 11-45 p.m., on NH-66, near Danish Hotel, Purvarga, Bhatkal taluk when the deceased Manjappa Naik was standing by the road side the driver of the Tavera Car bearing Reg.No.KA-01/AD-7148 belonging to the respondent No.1 came from Kundapura side with high speed and in a rash or negligent manner and dashed against the deceased Manjappa Naik and thereby, the deceased succumbed to the injuries sustained in the accident?*



- (ii) *Whether petitioners prove that they are the dependents of the deceased?*
- (iii) *Whether the petitioners are entitled for compensation? If so, what is the quantum and from whom?*
- (iv) *What Order or Award?"*

4.4. The appellants/claimants examined claimant No.3, the son of the deceased as PW.1 and exhibited documents as Ex.P1 to Ex.P18. The respondent No.3/Insurance Company, did not examine any witness but exhibited the Insurance policy as Ex.D1.

4.5. Based on the pleadings, the evidence, documents Ex.P1 [FIR], Ex.P3 [Mahazar], Ex.P4 [Rough Sketch], Ex.P7 [Postmortem Report], Ex.P8 [Charge Sheet] and other records available on record before the learned Tribunal, the learned Tribunal found that the rash and negligent driving to be proved.

4.6. In addition, it was held that the deceased is stated to be 70 years. The learned Tribunal took the monthly income of the deceased as Rs.10,000/- and also found that since there were five dependants of the deceased, the deduction would be 1/3rd and applying '5' multiplier calculated the dependency as:
 $[10,000/- \times \frac{1}{3} \times 5 \times 12] = \text{Rs.}4,00,020/-$



4.7. In addition, the learned Tribunal has awarded compensation towards loss of estate and loss of consortium. But no amounts were awarded for medical expenses. Learned Tribunal after examining the evidence on record has awarded the compensation under the following heads:

Sl. No.	Particulars	Amount (Rs.)
1	Loss of dependency [6667 x 12 x 5]	4,00,020/-
2	Loss of Estate	15,000/-
3	Loss of Consortium	40,000/-
4	Funeral expenses	15,000/-
5	Medical expenditure	-
	TOTAL	4,70,020/-
	Rounded off	4,70,000/-

4.8 The learned Tribunal thus awarded a sum of Rs.4,70,000/- along with interest at 6% per annum.

5. Learned Counsel for the appellants/claimants has raised two contentions in this appeal. He submits that the amounts as awarded for notional income were wrongly calculated at Rs.10,000/-. Since the accident was in the year 2019, the notional income should have been taken at Rs.14,000/- as per the chart of Karnataka State Legal Services Authority. In addition, amounts awarded for consortium are not in



accordance with the judgment of the Hon'ble Supreme Court in

National Insurance Company Limited v. Pranay Sethi¹,

6. Learned Counsel for respondent No.3/Insurance Company submits that the award is in accordance with law.

7. The question that arises for consideration before this Court is whether the compensation awarded by the learned Tribunal is in accordance with the settled legal provisions

8. As stated above, the notional income for the year 2019 would be at the rate of Rs.14,000/- per month and the deceased was 70 years old. In addition, in terms of the principles laid down by the Supreme Court in ***Sarla Verma (Smt.) and others vs. Delhi Transport Corporation and another²***, since the deceased has five dependants, 1/4th has to be deducted towards personal expenses and the applicable multiplier for the age of 70 years is '5'. Hence, compensation under the **loss of dependency** is recomputed as follows:

Heads	Amounts
Loss of dependency	Rs.14,000 x 1/4 = 10,500/- Rs.10,500x12x5= Rs.6,30,000/-

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121



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NC: 2026:KHC:32263-DB
MFA No.5693 of 2022

9. In view of the law laid down by the Supreme Court in the ***Pranay Sethi***, case loss of consortium is payable at Rs.40,000/- to the five claimants with escalation at 10%, amounting to **Rs.2,20,000/-**. As per the judgment of the Supreme Court in the ***Pranay Sethi*** case the appellants are entitled to compensation of Rs.15,000/- on the head of **loss of estate** and Rs.15,000/- for **funeral expenses and transportation** each.

10. Accordingly, the award of the Tribunal requires to be recalculated in the following terms:

Sl. No.	Particulars	Amount (Rs.)
01.	Loss of Dependency	6,30,000-00
02.	Loss of Consortium (Rs.44,000x5)	2,20,000-00
03.	Loss of Estate	16,500-00
04.	Transportation of dead body, funeral expenses charges and miscellaneous expenses	16,500-00
	Total	8,83,000-00
	Less: Awarded by the Tribunal	4,70,000-00
	Enhanced compensation	4,13,000-00

11. Hence, the appellants/claimants are entitled to a total compensation of **Rs.8,83,000/-** along with interest as



awarded by the learned Tribunal, from the date of petition till its realisation. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part;***
- (ii) The judgment and award dated 14.02.2022 in M.V.C.No.509/2019 passed by the Additional MACT and Senior Civil Judge & JMFC, Bhatkal is modified, enhancing the compensation by **Rs.4,13,000/-** along with interest at the rate of 6% per annum as awarded by the learned Tribunal from the date of petition till realization.
- (iii) The remaining portion of the impugned award of the Tribunal remains undisturbed.
- (iv) Respondent No.3/Insurance Company is directed to pay the enhanced compensation with interest as awarded by the Tribunal within eight weeks from today.
- (v) On such deposit of compensation, the same shall be released in favour of appellants/claimants, on filing of an appropriate application for withdrawal of the



enhanced amount in the proportion as was set out in the Impugned Award.

- (vi) The Registry is directed to draw the modified Award accordingly.
- (vii) The Registry is directed transmit a copy of this judgment and the records to the concerned Tribunal.
- (viii) Pending application(s), if any, stand closed. No order as to costs.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

KSR / KS
List No.: 2 Sl No.: 1