HC-KAR
CNR: KAHC010399992023

NC: 2026:KHC:40367
MFA No. 5379 of 2023
C/W MFA No. 5390 of 2023
MFA No. 5391 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5379 OF 2023 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5390 OF 2023 (MV-I)

AND

MISCELLANEOUS FIRST APPEAL NO. 5391 OF 2023 (MV-D)

IN MFA No. 5379/2023

BETWEEN:

1. SMT SAHANA PAI
W/O SADHASHIVA PAI,
NOW AGED ABOUT 52 YEARS,
R/AT NO. 5-34-4-1
BLOCK NO. 5, BELMAN VILLAGE,
AND POST, KARKALA TLAUK
UDUPI DISTRICT

...APPELLANT

(BY SRI. GOPAL KRISHNA N ADV FOR
SMT. SUSHMITHA G., ADVOCATE FOR APPELLANT)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SMT. REKHA R PAI
W/O RAJARAM PAI KATEEL
R/AT NO. 34-4
DEVKIRAN BUILDING,
MAIN ROAD,

BELMAN VILLAGE AND POST,
KARKALA TALUK
UDUPI DISTRICT 574 104

2. LIBERTY VIDEOCON GENERAL INSURANCE CO. LTD.,
OFFICE NO. 1, ALYASA,
I FLOOR REAR PORTION,
OLD NO. 28, NEW NO. 23
RICHMOND ROAD,
BENGALURU 560025
REP BY ITS MANAGER.

…RESPONDENTS

(BY SRI. RAVI S SAMPRATHI., ADVOCATE FOR R2;
VIDE ORDER DATED 10.08.2023, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.12.01.2021 PASSED IN MVC NO.3029/2017 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES, ADDITIONAL SMALL CAUSE JUDGE, ADDITIONAL MACT, MEMBER, BENGALURU, (SCCH-7), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 5390/2023

BETWEEN:

1. SRI PAWAN PAI KATEEL
S/O RAJARAM PAI KATEEL,
NOW AGED ABOUT 32 YEARS,
R/AT NO.34-4,
DEVIKIRAN BUILDING,
MAIN ROAD, BELMAN VILLAGE AND POST,

KARKALA TALUK,
UDUPI DISTRICT.

...APPELLANT

(BY SRI. GOPAL KRISHNA N ADV FOR
SMT. SUSHMITHA G., ADVOCATE FOR APPELLANT)

AND:

1. SMT REKHA R PAI
W/O RAJARAM PAI KATEEL,
MAJOR IN AGE,
R/AT NO.34-4,
DEVKIRAN BUILDING,
MAIN ROAD, BELMAN VILLAGE AND POST,
KARKALA TALUK, UDUPI DISTRICT-574104.

2. LIBERTY VIDEOCON GEN.INS.CO.LTD.,
OFFICE NO.1, ALYSSA,
1ST FLOOR REAR PROTION,
OLD NO.28, NEW NO.23,
RICHMOND ROAD,
BENGALURU-560025,
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI., ADVOCATE FOR R2;
VIDE ORDER DATED 10.08.2023, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.01.2021 PASSED IN MVC NO. 3028/2017 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU (SCCH-7), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 5391/2023

BETWEEN:

1. SRI SHANTHARAM KAMATH
S/O LATE GURUDATT KAMATH,
NOW AGED ABOUT 39 YEARS,
RESIDING AT GURUDATT,
MAIN ROAD, BELMAN VILLAGE,
AND POST KARKALA TALUK,
UDUPI DISTRICT

...APPELLANT

(BY SRI. GOPAL KRISHNA N ADV FOR
SMT. SUSHMITHA G., ADVOCATE FOR APPELLANT)

AND:

1. SMT REKHA R PAI
W/O RAJARAM PAI KATEEL,
MAJOR IN AGE,
RESIDING AT NO 34-4,
DEVKIRAN BUILDING,
MAIN ROAD, BELMAN VILLAGE,
AND POST, KARKALA TALUK
UDUPI DISTRICT 574104

2. LIBERY VIDEOCON
GENERAL INSURANCE CO LTD,
OFFICE NO 1, ALYSAA,
1ST FLOOR, REAR POSITION,
OLD NO 28, NEW NO 23,
RICHMOND ROAD,
BENGALURU 560025
REP BY ITS MANAGER

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI., ADVOCATE FOR R2;

VIDE ORDER DATED 10.08.2023, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.01.2021 PASSED IN MVC NO. 3027/2017 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES, MEMBER-MACT, BENGALURU (SCCH-7), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS ARE COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA.No.5379/2023 is filed by the claimant seeking enhancement of compensation awarded in judgment and award dated 12.01.2021 passed in MVC.No.3029/2017 by the IX Addl. Small Causes Judge, Additional MACT, Bengaluru.

2. MFA.No.5390/2023 is filed by the claimant seeking enhancement of compensation awarded in judgment and award dated 12.01.2021 passed in MVC.No.3028/2017 by the IX Additional Small Causes Judge, Additional MACT, Bengaluru.

3. MFA.No.5391/2023 is filed by the claimant seeking enhancement of compensation awarded in judgment and award dated 12.01.2021 passed in MVC.No.3027/2017 by the IX Additional Small Causes Judge, Additional MACT, Bengaluru (for short 'Tribunal').

4. The Tribunal has passed the common judgment in all the three claim petitions in MVC.No.3027/2017, 3028/2017 and 3029/2017 Since the claim petitions are arising out of the same accident dated 19.09.2016.

5. Even though the appeals are listed today for admission, with the consent of both the parties they are taken up for disposal.

6. Heard, learned counsel appearing for the parties.

7. The appellant/claimant in MFA.No.5379/2023 (MVC.No.3029/2017) made claim petition praying to award compensation for the injuries sustained by him in a road traffic accident occurred on 19.09.2016 contending that the accident occurred due to rash and negligent driving of the driver of the car bearing registration No.KA-20-MB-0741. The Tribunal after

recording the evidence assessed compensation and awarded compensation under various heads as under:-

SL.No.	PARTICULARS	AMOUNT (IN RS.)
1.	Pain and sufferings and mental agony	60,000
2.	Medical expenses	4,34,320
3.	Special diet and conveyance	10,000
4.	Loss of future income	124,800
7.	Future medical expenses	20,000
	Total	6,49,120

8. The appellant/claimant in MFA.No.5390/2023 (MVC.No.3028/2017) made claim petition praying to award compensation for the injuries sustained by him in road traffic accident occurred on 19.09.2016 contending that the accident occurred due to rash and negligent driving of the driver of the vehicle bearing registration No.KA-20-MB-0741. The Tribunal after recording the evidence assessed the compensation and awarded compensation under various heads as under:-

SL.No.	PARTICULARS	AMOUNT (IN RS.)
1.	Pain and sufferings and mental agony	80,000
2.	Medical expenses	6,04,218
3.	Special diet and conveyance	10,000
4.	Loss of future income	5,18,400
7.	Future medical expenses	20,000
	Total	12,32,618

9. The appellant/claimant in MFA.No.5391/2023 (MVC.No.3027/2017) has made a claim petition praying to award compensation for the death of his mother in a road traffic accident occurred on 19.09.2016 contending that the accident occurred due to rash and negligent driving of car bearing registration No.KA-20-MB-0741. The Tribunal after recording the evidence, assessed the compensation and awarded compensation under various heads as under :

SL.No.	PARTICULARS	AMOUNT (IN RS.)
1.	Loss of estate	15,000
2.	Funeral, obsequies ceremony and conveyance	15,000
3.	Loss of parental consortium	40,000
	TOTAL	70,000

10. In all the claim petitions, the Tribunal has awarded interest at the rate of 6% per annum from the date of the petition till its realization and directed respondent No.1 - insurer to deposit the award amount with interest.

11. The claimant in all the three appeals have filed the appeals seeking enhancement of the compensation awarded by the Tribunal.

12. Heard the arguments of learned counsel appearing for the claimant and learned counsel for respondent No.2 - insurer in all the three appeals.

13. Learned counsel for the appellants contend that the disability taken by the Tribunal is on the lower side. Considering the evidence of the doctor, the Tribunal has not awarded loss of income during the laid up period. He further submits that in MVC.No.3027/2017 the Tribunal has not awarded towards 'loss of dependency', considering that the claimant is a major son. Even though claimant is a major son, he is entitled to award of compensation by deducting 50% of the income of the deceased. In the said case, the Tribunal has not awarded any amount under conventional heads. and allow all the three appeals.

14. Learned counsel for respondent No.2 contends that the compensation awarded by the Tribunal in all the claim petitions is just and proper and does not call for enhancement.

15. Heard, learned counsel for both the parties. Perused the judgment and award.

MFA.No.5379/2023 (MVC.No.3029/2017)

16. Doctor, who has examined the claimant has assessed the disability and stated that the claimant is having 37% disability of right lower limb and 12% to the whole body. The Tribunal has taken disability of the whole body at 10%. Considering the evidence of doctor, the disability to the whole body is taken at 12%. The Tribunal has taken monthly income of Rs.8,000/-. As per the chart prepared by Karnataka State Legal Services Authority, notional income fixed for the year 2016 is Rs.9,500/- per month and the said income is to be taken. The Tribunal has rightly applied multiplier '13', since the claimant is aged 46 years. In view of the above, the loss of future income is calculated as Rs.9,500x12x13x12%=1,77,840/-. The Tribunal has rightly awarded sum of Rs.60,000/- towards pain and sufferings, medical expenses of Rs.4,34,320/-, special diet and conveyance of Rs.10,000/-. The Tribunal has not awarded any amount towards loss of income during laid up period. Considering the injuries sustained by the claimant and disability assessed by the doctor, the claimant has to take rest at least

for a period of three months. Therefore, the claimant is entitled for income during laid up period for a sum of Rs.28,000/- (Rs.9,500x3). The Tribunal has not awarded any amount towards 'loss of amenities'. Considering the injuries sustained and disability assessed, the claimant is entitled to sum of Rs.30,000/- towards 'loss of amenities'. The Tribunal has rightly awarded 'future medical expenses' of Rs.20,000/-.

17. In view of the above, the claimant is entitled to total compensation under various heads:

SL.No.	PARTICULARS	AMOUNT (IN RS.)
1.	Pain and suffering	60,000
2.	Medical expenses	4,34,320
3.	Special diet and conveyance	10,000
4.	Loss of future income	1,77,840
5.	Loss of income during laid up period	28,500
6.	Loss of amenities	30,000
7.	Future medical expenses	20,000
	Total	7,60,660

18. The claimant is entitled to total compensation of Rs.7,60,660/- as against Rs.6,49,120/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,11,540/- with interest @ 6% per annum from the date of the petition till its realization.

19. Respondent No.2 - insurer is liable to pay the said enhanced compensation with interest.

MFA.No.5390/2023 (MVC.No.3028/2017)

20. PW-4 - Doctor has assessed the disability of the claimant at 17% for right lower limb and 51% of left lower limb and whole body disability at 35%. The Tribunal has taken the disability of the whole body at 20%. Considering the said evidence of PW-4 - Doctor, the disability to the whole body is taken at 30% as against 20% taken by the Tribunal. The Tribunal has rightly assessed the income of the claimant at Rs.12,000/- per month. It is contended that disability is more than 20%, future prospects has to be added at 40% since the claimant was aged 25 years. The Tribunal has rightly applied the multiplier '18'. In view of the above, loss of future earning is as under:-

Rs.12,000+40%= 16,800x12 x18 x 30% = 10,88,640/-.

21. The Tribunal has rightly awarded medical expenses of Rs.6,04,218/-. Special diet and conveyance charges of Rs.10,000/-, Future medical expenses of Rs.20,000/-.

22. The Tribunal has not awarded any amount towards of loss of income during the laid up period. Considering the injuries and disability suffered by the claimant, he has taken rest atleast for a period of three months. Therefore, the claimant is entitled towards loss of income during laid up period of Rs.36,000/- (Rs.12,000x3). The Tribunal has also not awarded any amount towards 'loss of amenities'. Considering the injuries sustained and disability of the claimant, he is entitled for a sum of Rs.40,000/- towards 'loss of amenities.

23. In view of the above, the claimant is entitled to compensation under the various heads:

SL.No.	PARTICULARS	AMOUNT (IN RS.)
1.	Pain and suffering	80,000
2.	Medical expenses	6,04,218
3.	Special diet and conveyance	10,000
4.	Loss of future income	10,88,640
5.	Loss of income during laid up period	36,000
6.	Loss of amenities	40,000
7.	Future medical expenses	20,000
	Total	18,78,858

24. The claimant is entitled to total compensation of Rs.18,78,858/- as against Rs.12,32,618/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to

enhanced compensation of Rs.6,46,240/- with interest @ 6% per annum from the date of the petition till realization.

25. Respondent No.2 - insurer is liable to pay the said enhanced compensation with interest.

MFA.No.5391/2023 (MVC.No.3027/2017)

26. The deceased as on the date of accident was aged 54 years and she was a home maker. The claimant is the son of the deceased and he is major. The Tribunal considering the same has only awarded compensation on conventional heads in a sum of Rs.70,000/-. The Tribunal has not awarded any amount towards loss of dependency. In view of the decision of Hon'ble Apex Court in the case of ***Jitender Kumar and another vs. Sanjay Prasad and others***[1] the major son is also entitled to compensation for loss of dependency and 50% of the income has to be deducted towards personal expenses. Considering the same, the loss of dependency is to be calculated.

[1] Civil Appeal No.7199/2025

27. The accident is of the year 2016 and notional income for the said year is Rs.9,500/- per month. The deceased was aged about 54 years as on the date of the accident and therefore multiplier applicable is '11' and 10% of income towards future prospects is to be added. In view of the same, loss of dependency is calculated as under:

Rs.9,500+10%=10,450/--50%=5,225x12x11= 6,89,700/-.

28. The Tribunal has rightly awarded sum of Rs.40,000/- towards 'loss of consortium' and Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.

29. In view of the above, the claimant is entitled to total compensation under various head as under:

SL.No.	PARTICULARS	AMOUNT (IN RS.)
1.	Loss of dependency	6,89,700
2.	Loss of consortium	40,000
3.	Funeral expenses	15,000
4.	Loss of estate	15,000
	Total	7,59,700

30. The claimant is entitled to total compensation of Rs.7,59,700/- as against Rs.70,000/- awarded by the Tribunal with interest.

31. Consequently, claimant is entitled to enhanced compensation of Rs.6,89,700/- with interest @ 6% per annum from the date of the petition till its realisation.

32. Respondent No.2-insurer is liable to pay the said enhanced compensation with interest.

33. In view of the above, the following:

ORDER

i. All the three appeals are ***allowed in part***.

ii. The appellant-claimant in MFA.No.5379/2023 (MVC.No.3029/2017) is entitled to enhanced compensation of Rs.1,11,540/- with interest @ 6% per annum from the date of the petition till its realization.

iii. The appellant-claimant in MFA.No.5390/2023 (MVC.No.3028/2017) is entitled to enhanced

compensation of Rs.6,46,240/- with interest @ 6% per annum from the date of the petition till its realization.

iv. The appellant-claimant in MFA.No.5391/2023 (MVC.No.3027/2017) is entitled to enhanced compensation of Rs.6,89,700/- with interest @ 6% per annum from the date of the petition till its realization.

v. Respondent No.2 - insurer shall deposit the enhanced compensation with interest in all the three appeals before the Tribunal, within a period of six weeks from this day. Claimants are entitled to release of entire enhanced compensation amount.

vi. The appellants are not entitled for interest for the delayed period of 413 days on the enhanced compensation in MFA.Nos.5379/2023 and 5390/2023 as per order dated 10.08.2026

and 406 days in MFA.No.5391/2023 as per order dated 09.08.2026.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

AG
List No.: 1 Sl No.: 41