



CNR: KAHC010401982026

NC: 2026:KHC:46889
MFA No. 4421 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4421 OF 2026

(MV-I)

BETWEEN:

1. SMT. BORAMMA
W/O ANANTHAIAH
NOW AGED ABOUT 65 YEARS.
2. SRI. ANANTHAIAH
S/O LATE KALASHANAIAH
NOW AGED ABOUT 78 YEARS.

BOTH ARE RESIDING AT
SULEKUPPE KAVAL VILLAGE
TAREDAKUPPE POST
KOTHAGERE HOBLI
KUNIGAL TALUK
TUMAKUR DISTRICT-560 130.

...APPELLANTS

(BY SRI. B CHANDRASHEKHARAIH, ADVOCATE)

AND:

1. SRI GANGADHARA D B
S/O BYRAPPA
MAJOR
(AGE OF R-1 NOT KNOWN)
RESIDING AT


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



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DODDAMALAVADI VILLAGE
BHAKTARAHALLI POST
KOTHAGERE HOBLI
KUNIGAL TALUK
TUMKUR DISTRICT - 572 130.

2. IFFCO TOKIO GENERAL INSURANCE COMPANY LTD.,
NELAMANGALA - MAJESTIC SERVICE ROAD
VIVEKANANDA NAGAR, PEENYA
BENGALURU-560 058
BY ITS MANAGER.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI C SHANKARA REDDY, ADVOCATE FOR R2
V/O DTD. 2.7.2026. NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:23.08.2025
PASSED IN MVC No.8071/2023 ON THE FILE OF THE XXI
ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER
MACT, BENGALURU (SCCH-23), 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking
enhancement of compensation awarded in judgment and
award dated 23.08.2025 passed in MVC No.8071/2023 by



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XXI Additional Small Causes Judge and MACT, Bengaluru (SCCH-13).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellants and learned counsel for respondent No.2 –insurer.

3. Appellants made a claim petition praying to award compensation for the death of son in a road traffic accident occurred on 28.09.2023 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing registration No.KA-06/HQ-6359. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Compensation heads	Compensation amount
1.Towards loss of dependency	Rs.20,16,000-00
2. Towards loss of Filial Consortium to the petitioners No.1 & 2	Rs.80,000-00
3. Towards loss to estate	Rs.18,150-00



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4. Towards transportation of dead body funeral and obsequies ceremony expenses	Rs.18,150-00
5. Medical Expenses incurred by the deceased during the tenure of his treatment before his death	Rs.1,65,300-00
Total	Rs.22,97,600-00

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the respondent No.2 -insurer to deposit the award amount with interest. Claimants seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 -insurer.

6. Learned counsel for appellants would contend that the notional income is fixed for the year 2023 by Karnataka State Legal Services Authority is Rs.16,250/- and it is to be taken as against Rs.16,000/- as taken by the Tribunal. The Tribunal has rightly added 40% towards future prospects, deducted 50% towards personal



expenses of the deceased and applied multiplier '15'. The deceased was admitted in the hospital for 32 days and the claimants are entitled to attendant, conveyance, food and nourishment etc. He further submitted that the Tribunal has not added 20% escalation on loss of consortium. With these, he prays to allow the appeal.

7. Learned counsel for respondent No.2 -insurer would contend that the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. Since the compensation claimed for death, the claimants are not entitled to attendant, conveyance, food and nourishment etc. With these, he prays to dismiss the appeal.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 28.09.2023 and as on the date of accident the deceased was aged 36 years. The notional income fixed for the year 2023 is Rs.16,250/- and



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the said income is to be taken as against Rs.16,000/-. The Tribunal has rightly added 40% towards future prospectus, deducted 50% towards personal expenses and applied multiplier '15'. In view of the above, loss of dependency is calculated as under:

$$\text{Rs.16,250/-} + \text{Rs.6,500/- (40\%)} = \text{Rs.22,750/- less}$$
$$50\% = \text{Rs.11,375/-} \times 12 \times 15 = \text{Rs.20,47,500/-}.$$

The Tribunal has not added 20% escalation to loss of consortium. Since accident is occurred in the year 2023, the escalation at 20% is to be added to consortium. Therefore, claimants are entitled to consortium in a sum of Rs.96,000/- i.e., Rs.48,000/- each. The Tribunal has rightly awarded loss of estate, funeral expenses and medical expenses. The deceased was admitted in the hospital for 32 days prior to his death from the date of accident. Therefore, claimants are entitled to attendant and conveyance charges, food and nourishment etc., in a sum of Rs.32,000/- (Rs.1,000/- x 32).



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11. In view of the above, claimants are entitled to compensation under various heads as under:

Compensation heads	Compensation amount
1.Towards loss of dependency	Rs.20,47,500/-
2. Towards loss of Filial Consortium to the petitioners No.1 & 2	Rs.96,000/-
3. Towards loss to estate	Rs.18,150/-
4. Towards transportation of dead body funeral and obsequies ceremony expenses	Rs.18,150/-
5. Medical Expenses incurred by the deceased during the tenure of his treatment before his death	Rs.1,65,300/-
6.Attendant and conveyance charges, food and nourishment etc,.	Rs.32,000/-
Total	Rs.23,77,100/-

12. Considering the above aspects, claimants are entitled to total compensation of Rs.23,77,100/- as against Rs.22,97,600/- with interest at the rate of 6% per annum from the date of petition till realization. Consequently, claimants are entitled to enhanced compensation of Rs.79,500/- with interest at the rate of 6% per annum from the date of petition till realization.



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

13. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) Appellants -claimants are entitled to enhanced compensation of Rs.79,500/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Appellants -claimants are not entitled to interest for delay period of 206 days in filing the appeal by order dated 05.08.2026 passed on IA No.1/2026.
- iv) Respondent No.2 -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.



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- v) Appellants –claimants are entitled to release
of entire enhanced in equal share.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 SI No.: 55
Ct.sm