



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 5014 OF 2018 (MV-D)

BETWEEN:

THE MANAGER
ORIENTAL INSURANCE CO. LTD.,
SHARADA COMPLEX
OPP K.S.R.T.C. BUS STAND
B.D. ROAD, CHITRADURGA TOWN
NOW REPRESENTED BY ITS
THE ORIENTAL INSURANCE CO. LTD.,
REGIONAL OFFICE, T P HUB
LEO SHOPPING COMPLEX,
RESIDENCY ROAD CROSS,
BANGALORE - 560 025
BY ITS DEPUTY MANAGER.

Digitally signed by
AASEEFA PARVEEN
Location: HIGH
COURT OF
KARNATAKA

...APPELLANT

(BY SRI. H.C. VRUSHABHENDRAIAH, ADVOCATE)

AND:

1. KAMALABAI BHEEMARAJ
W/O LATE BHEEMARAJ
AGED ABOUT 61 YEARS,
R/O NO.6/137, BHAGWAN
MAHAVEER ROAD, INFRONT OF
KENCHAPPA HOSPITAL, DAVANAGERE
NOW R/O. C/O. PRADEEP PRADEEP



NC: 2026:KHC:28238
MFA No. 5014 of 2018

KENU, BURUJANHATTEY ROAD,
NEAR ANEBAGILU, CHITRAURGA.

2. CHANDRAKANTH
S/O JAWAHARALAL
OWNER OF CAR BEARING
NO.KA-17/C,-4716,
R/O 659, SREE RATHOD
FERTILIZERS, CHOWKIPET,
DAVANAGERE - 577 002.

...RESPONDENTS

(R2 SERVED AND UNREPRESENTED;
VIDE ORDER DATED 09.02.2024, NOTICE TO R1 IS HELD
SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.03.2018 PASSED IN MVC
NO.101/2017 ON THE FILE OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND ADDITIONAL MACT-IV, CHITRADURAGA,
AWARDING COMPENSATION OF RS.10,78,331/- WITH
INTEREST @ 6%P.A. FROM THE DATE OF PETITION TILL
REALIZATION.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri.H.C.Vrushabhendraiah learned counsel for the appellant.

2. Respondents failed to contest the matter despite service of notice upon them.

3. Challenge in this appeal is the award that is passed by the Additional Motor Accident Claims Tribunal-IV Chitradurga in M.V.C. No.101/2017 dated 02.03.2018.

4. On the ground that her husband Bheemaraj (hereinafter be referred to as 'deceased' for brevity) died in a road traffic accident which occurred in the year 2016, respondent No.1 herein filed a petition claiming compensation of Rs.50,00,000/- in total. Tribunal through the impugned order held that respondent No.1 is entitled to a sum of Rs.10,78,331/- as compensation. Liability was fixed upon the appellant herein to pay the same. On the ground that compensation granted is excessive and exorbitant, appellant is before the Court.



5. Learned counsel for the appellant submits that basing on Ex.P.7 to P-11 individual income tax returns and Ex.P12 to P16 income tax returns in respect of the Hindu undivided family of the deceased, Tribunal took the notional income of the deceased as Rs.2,00,000/- per annum. Learned counsel states that even according to the version of respondent No.1, she is the sole dependent being the wife of the deceased. Therefore, tribunal ought to have deducted 50% of the earnings of the deceased towards personal and living expenses of the deceased which the deceased would have incurred for himself had he been alive. However, tribunal deducted 1/3rd of the earnings of the deceased towards his personal and living expenses. Learned counsel further submits that apart from granting Rs.40,000/- towards loss of consortium, tribunal granted a sum of Rs.50,000 towards loss of love and affection. Also no reason is stated in the impugned order as to why Rs.25,000/- is granted towards loss of life expectancy. Learned counsel ultimately seeks to pass



necessary orders by reducing the sum that is awarded as compensation.

6. As rightly contended, the version of respondent No.1 is that she is the only dependent of the deceased. As per the decision of the Honb'e Apex Court in Sarala Verma and others -vs- Delhi Transport Corporation and another case reported in 2009 ACJ 1298, where the dependents are 2 to 3, $1/3^{\text{rd}}$ of the earnings of the deceased are required to be deducted towards the personal and living expenses, which the deceased would have incurred for himself or herself had he/her been alive. Thus as the dependent is only one in number, this Court is of the view that 50% of the earnings of the deceased were required to have been deducted towards the personal and living expenses which the deceased would have incurred for himself had he been alive. Thus taking the notional income of the deceased as Rs.2,00,000/- per annum, on deducting 50% of the earnings towards his personal and living expenses which he would have incurred for himself had he



been alive and applying the appropriate multiplier '7', the compensation which respondent No.1/claimant is entitled to receive towards loss of dependency is Rs.7,00,000($2,00,000 \times 50\% \times 7$). Also respondent No.1 is entitled to a sum of Rs.15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.40,000/- towards loss of spousal consortium.

7. Thus the total sum which respondent No.1/claimant is entitled to receive as compensation under different heads is as under:-

Heads	Amount in Rs.
Loss of dependency	7,00,000.00
Funeral expenses	15,000.00
Loss of estate	15,000.00
Loss of Spousal consortium	40,000.00
Total	7,70,000.00

8. Tribunal held that respondent No.1 is entitled to a sum of Rs.10,78,331/- as compensation. However, aforementioned discussion makes it clear that respondent



No.1 is entitled to a sum of Rs.7,70,000/- only. Hence, the appeal is disposed with the following:-

ORDER

- i. Appeal is allowed in part.
- ii. Compensation that is granted by the Additional Motor Accidents Claims Tribunal- IV, Chitradurga through orders in MVC No.101/2017 dated 02.03.2018 is reduced from Rs.10,78,331/- to Rs.7,70,000/-.
- iii. Amount if any in deposit be transmitted to the concerned tribunal forthwith.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 15