



CNR: KAHC010421212022

NC: 2026:KHC:42178
MFA No. 6409 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.6409 OF 2022(MV-D)

BETWEEN:

1. SRI. MUNIYAPPA
S/O VENKATAPPA
AGED ABOUT 77 YEARS
2. SMT. THIMMAKKA
W/O MUNIYAPPA
AGED ABOUT 70 YEARS

BOTH ARE R/AT
NASHIKUNTEHOSUR
KANGANAHALLI
CHIKKABALLAPURA TALUK
PIN-560 101

...APPELLANTS

(BY SRI. K.V NAIK, ADVOCATE)

AND:

1. CHOLAMANDALAM MS
GENERAL INSURANCE. CO.LTD.,
6TH FLOOR, NEAR SUJATHA THEATRE
GOLDEN HEIGHTS BUILDING
RAJAJINAGARA
BENGALURU-560 008
REP. BY ITS MANAGER
2. SRI SHANAWAZ BAIG
S/O SADIQ BAIG

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010421212022

NC: 2026:KHC:42178
MFA No. 6409 of 2022

R/AT POTHERENAHALLI VILLAGE
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT
PIN-561 208

3. SRI SRINIVASA MURTHY T V
S/O VENKATACHALAPATHY
R/AT NO.374, KAUSHUBHA
8TH MAIN
NEAR AVALAHALLI BDA PARK
BSK 3RD STAGE
BENGALURU-560 085

...RESPONDENTS

(BY SRI. HOLEBASAPPA C BETSUR, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.02.03.2022 IN MVC NO.1397/2020 ON THE FILE OF THE XVIII ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU CITY, (SCCH-4), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The appeal is filed seeking enhancement of compensation awarded by the Tribunal vide judgment and award dated 02.03.2022 in MVC No.1397/2020.



NC: 2026:KHC:42178
MFA No. 6409 of 2022

CNR: KAHC010421212022

2. It is not in dispute that as a result of the motor vehicle accident which occurred on 13.02.2020, Devaraj, a 38 year old died.

3. The factual matrix of the case is that, on 13.02.2020 at about 9 p.m., Devaraj riding the motorcycle bearing registration No.KA-43-J-7708 along with two pillion riders namely Chandru and Nagesh, crossed Gowribidanuru - Doddaballapura road and in front of Lakshminarasimhaswamy Kalyana Mantapa stopped the motorcycle at U-turn to proceed towards Gunjanuru and at that time, a car bearing registration No.KA04-ML-936 driven by its driver in a rash and negligent manner came in a high speed and while attempting to overtake another vehicle, dashed against the motorcycle. As a result of which, the rider of the motorcycle and the pillion riders sustained grievous injuries and the rider of the motorcycle succumbed to the injuries. Accordingly, the legal representatives of deceased - rider of the motorcycle filed a claim petition before the Tribunal seeking compensation for the accidental death of Devaraj.



NC: 2026:KHC:42178
MFA No. 6409 of 2022

4. The Tribunal, on assessment of evidence adduced before it, has come to the conclusion that the driver of the offending vehicle as well as deceased - rider of the motorcycle were responsible for the accident in the ratio of 30 : 70. The Tribunal has thereafter proceeded to award the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of Dependency	9,13,500
2.	Loss of Consortium	40,000
3.	Funeral expenses	15,000
4.	Loss of future prospects	3,65,400
5.	Loss of love and affection	25,000
6.	Transport of dead body	5,000
	Total	13,63,900

5. Heard the learned counsel for both the parties and perused the material on record.

6. Learned counsel for the claimants would contend that the Tribunal has erred in saddling 30% negligence on the part of



CNR: KAHC010421212022

**NC: 2026:KHC:42178
MFA No. 6409 of 2022**

the rider of the motorcycle i.e., the deceased by placing reliance on Ex.P3 - mahazar along with the sketch and the evidence of PW.1, although the charge sheet has been laid against the driver of the car. He would further contend that the Tribunal has erred in awarding meager compensation under all the heads. Accordingly, he would pray for allowing of the appeal by enhancing the compensation.

7. On the other hand, learned counsel for the insurer would contend that the rider of the motorcycle was riding the motorcycle with two pillion riders and without noticing the vehicles in the Highway, in a negligent manner tried to move on the otherside of the road through U-turn, as such, the accident had occurred. Hence, the Tribunal was justified in attributing 30% contributory negligence on the rider of the motorcycle i.e., the deceased. He would also contend that the Tribunal has, however, erred in awarding exorbitant compensation under all the heads. Accordingly, he would pray for dismissal of the appeal.

8. I have given my anxious consideration to the submissions of learned counsel for both the parties and perused the records.



NC: 2026:KHC:42178
MFA No. 6409 of 2022

CNR: KAHC010421212022

9. As could be gathered from records, the accident is not in dispute and the coverage of policy to the offending vehicle is also not in dispute. The Tribunal attributed 30% negligence on the rider of the motorcycle by placing reliance on Ex.P3 - mahazar along with the sketch and the evidence of PW.1. On careful perusal of Ex.P3, it is seen that the accident had occurred in the Highway where there is permitted U-turn and where the rider of the motorcycle stopped his motorcycle to take U-turn to move towards Gowribidanur and at that time, the driver of the offending car came from Gowribidanur side to move towards Doddaballapura i.e., from North to South on the extreme right side of the one-way road and dashed against the motorcycle. In such circumstances, upon re-appreciation of evidence of PW.1 and documents, particularly Ex.P3 - mahazar along with sketch and Ex.P4 - IMV report, I am of the considered view that the deceased - rider of the motorcycle had contributed 15% negligence to the occurrence of the accident. Accordingly, the ratio of contributory negligence attributed on the deceased and the driver of the offending vehicle would be 15 : 85.



CNR: KAHC010421212022

10. In order to arrive at the loss of dependency, since there was no credible evidence to substantiate the income of the deceased, the Tribunal has rightly assessed the monthly income by taking the notional income as fixed by Karnataka State Legal Services Authority, which, for an accident of the year 2020, would be Rs.14,500/-.

11. Since the deceased was aged 38 years and was self-employed, **40%** requires to be added to the monthly income towards future prospects, which would result in the income to be
Rs.20,300/-

12. Since the deceased was a bachelor, **50%** requires to be deducted towards personal expenses, which makes his monthly income to be Rs.10,150/-. The income of the deceased for the purposes of determining the loss of dependency would thus be **Rs.10,150/-**.

13. As the deceased was aged 38 years, a multiplier of '15' would have to be applied.



CNR: KAHC010421212022

14. Consequently, the claimants would be entitled to a sum of **Rs.18,27,000/-** (Rs.10,150 x 12 x 15) towards "*loss of dependency*".

15. The claimants, being the parents, each would be entitled to a sum of **Rs.48,400/-** towards "*loss of consortium*" i.e., in all **Rs.96,800/-** and they would also be entitled to a sum of **Rs.36,300/-** under the "*conventional heads*".

16. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums:

Sl. No.	Particulars	Amount (In Rs.)
1.	Loss of Dependency	18,27,000
2.	Loss of Consortium	96,800
3.	Conventional Heads	36,300
	Less: 15% contributory negligence	2,94,015
	Total	16,66,085

17. Accordingly, the claimants would be entitled for compensation of **Rs.16,66,085/-** as against Rs.13,63,900/-



NC: 2026:KHC:42178
MFA No. 6409 of 2022

CNR: KAHC010421212022

awarded by the Tribunal, along with interest at the rate of 6% per annum from the date of petition till its realization.

18. The Insurance Company is directed to deposit the amount of compensation awarded within a period of six weeks from the date of receipt of a certified copy of this judgment.

19. The apportionment of compensation amount shall be in terms of the award of the Tribunal.

The appeal is accordingly ***allowed in part.***

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 SI No.: 23