



CNR: KAHC010425692025

NC: 2026:KHC:48740
MFA No. 4876 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4876 OF 2025 (MV-D)

BETWEEN:

1. MR. CHINNAPPA R
S/O RAMABHOVI, 64 YEARS
RETIRED POLICE.
2. MRS REKHA
W/O CHINNAPPA, 50 YEARS.
3. MISS. POOJA
D/O CHINNAPPA R, 26 YEARS.

ALL ARE RESIDING AT
HORUVANAHALLI VILLAGE
KASABA HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT - 577 548.

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

(BY SRI B N MANJULA, ADVOCATE FOR
SRI NAGARAJA R C, ADVOCATE)

...APPELLANTS

AND:

1. MR. KARTHIK C M
S/O LATE MANJAPPA
AGED ABOUT 31 YEARS.
R/O CHINNAPURA VILLAGE
AJJAMPURA TALUK
CHIKMAGALURU DISTRICT - 577 547.



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2. MR BASAVARAJU C K
S/O LATE KALLESHPA
AGED ABOUT 44 YEARS
R/O CHINNAPURA VILLAGE
AJJAMPURA TALUK
CHIKMAGALURU DISTRICT – 577 547.
3. M/S CHOLA M S GENERAL
INSURANCE COMPANY LIMITED
SHIVMAOGGA
REP. BY ITS BRANCH MANAGER - 577 201.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R3
R1 – SERVED, V/O DTD. 21.4.2026, NOTICE O R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:19.12.2024
PASSED IN MVC No. 111/2022 ON THE FILE OF THE SENIOR CIVIL
JUDGE AND MACT, KADUR, CHIKKAMAGALURU DISTRICT,
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 the appellants/claimants seeking
enhancement of compensation awarded in judgment and
award dated 19.12.2024 passed in MVC No.111/2022 by the
Senior Civil Judge and MACT, Kadur.



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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.3/insurer.

3. The appellants/claimants made a claim petition praying to award compensation for the death of Akshay.C in a road traffic accident occurred on 02.07.2021 contending that the accident occurred due to rash and negligent driving of the driver of TATA Ace goods vehicle bearing Regn.No.KA-66/0781. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	21,42,000/-
02.	Loss of estate	18,000/-
03.	Loss of consortium	96,000/-
04.	Towards funeral and transport expenses	18,000/-
	Total	22,74,000/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent



No.3/insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

5. Heard learned counsel for the appellants and learned counsel for respondent No.3/insurer.

6. The date of accident is 02.07.2021. As on the date of accident, the deceased was aged 26 years. Considering the age of the deceased, multiplier applicable is '17'. Even though there is evidence of PW.2 – employer and salary slips at Exs.P10 and 17, the Tribunal has taken notional income at Rs.15,000/- p.m. The Tribunal has not considered the two salary slips only on the ground that there is disparity among the said two salary slips. Ex.P17 is the pay slip for the month of August, 2021. The pay slip of August 2021 includes the arrears and therefore, the same cannot be taken into consideration. Ex.P10 is the salary slip for March, 2021. As per Ex.P10, the gross salary is Rs.26,373/- and net salary is Rs.19,385/-. PW.2 – employer has stated that the net salary



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which the deceased was getting is Rs.19,385/-. The said Ex.P10 – salary slip contains the advance against annual stat bonus and quarterly incentive apart from basic pay and house rent allowance. The basic of Rs.11,337/- and house rent allowance of Rs.5,669/- is to be taken into consideration. The advance against annual stat bonus cannot taken into consideration since it is advance amount. The quarterly incentive is Rs.8,247/-. The said quarterly incentive is for three months and therefore, one month incentive is to be added i.e. Rs.2,749/- (Rs.8247 divided by 3 months) Therefore, the gross salary of the deceased is as under:

Basic pay -	11,337.00
HRA –	5,669.00
Monthly incentive-	<u>2,749.00</u>
Total	19,755.00

7. Out of the said gross salary, Rs.200/- professional tax is to be deducted. After deduction of professional tax, net salary is Rs.19,555/-. Therefore, the income of deceased per month is Rs.19,555/-. The deceased was aged 26 years and



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therefore, future prospects are to be taken at 40%. The deceased was a bachelor and deduction towards his personal expenses is 50%. Considering the above aspects, the loss of dependency is calculated as under:

$$\text{Rs.}19555 + 7822(40\%) = 27,377 - 50\% = \text{Rs.}13,689/-$$

$$\text{Rs.}13,689 \times 12 \times 17 = \text{Rs.}27,92,556/-$$

8. The Tribunal has not awarded consortium to claimant No.3, the sister of deceased. The Tribunal has only awarded consortium to claimant Nos.1 and 2 who are the parents of the deceased. All the three claimants are entitled to consortium in a sum of Rs.40,000/- with 10% escalation i.e. Rs.44,000/- each. Therefore, the claimants are entitled to consortium in a sum of Rs.1,32,000/-. The claimants are entitled to loss of estate in a sum of Rs.16,500/-, funeral expenses in a sum of Rs.16,500/- as against Rs.18,000/- awarded under those two heads.

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



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Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	27,92,556/-
02.	Loss of consortium	1,32,000/-
03.	Loss of estate	16,500/-
04.	Funeral expenses	16,500/-
	Total	29,57,556/-

10. Considering the above aspects, the claimants are entitled to total compensation of Rs.29,57,556/- as against Rs.22,74,000/- awarded by the Tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.6,83,556/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.3/insurer is liable to pay the said enhanced compensation with interest.

In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellants/claimants are entitled to enhanced compensation of Rs.6,83,556/- with interest @ 6% p.a. from the date of petition till realization.



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- iii) Respondent No.3/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellants/claimants are entitled to release of entire enhanced compensation in the ratio 25:50:25.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 2
Ct.sm