



CNR: KAHC010427312025

NC: 2026:KHC:44786
MFA No. 4929 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4929 OF 2025
(MV-I)

BETWEEN:

1. THIMMAKKA
W/O. LATE CHITHANNA,
AGED ABOUT 48 YEARS,
2. ROJA
D/O. LATE CHITHANNA,
AGED ABOUT 20 YEARS,

BOTH ARE R/AT LAKLIHATTI VILLAGE,
MEDIGESHI HOBLI,
MADHUGIRI TALUK.

...APPELLANTS

(BY SRI. SATHISHA T., ADVOCATE)

AND:

1. SADIQ
S/O. ABDUL REHAMAN,
AGED ABOUT 43 YEARS,
R/AT. M.J.M. 830,
BLOCK NO. 2/1, SITE NO.91,
KASABA, BENGARE,
MANGALORE,
DIKSHIN KANNADA DISTRICT - 575 001.
2. THE MNAGER
JAYASHEKARA V.R.,
SURESH GUKANTI,

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



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HDFC ERGO GENERAL INSURANCE COMPANY LTD.,
2ND FLOOR, NO. 25/1,
BUILDING NO.2, SHANKARANARAYANA BUILDING,
M.G. ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 19.08.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 12.11.2024 PASSED IN MVC
NO.1279/2022 ON THE FILE OF THE ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC, MADHUGIRI, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimants seeking
enhancement of compensation awarded in the Judgment
and Award dated 12.11.2024 passed in MVC



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No.1279/2022 by Principal Senior Civil Judge and JMFC, Madhugiri.

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for appellants and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of Chithanna (husband of claimant No.1 and father of claimant No.2) in a road traffic accident occurred on 14.10.2022 contending that the accident occurred due to rash and negligent driving by the driver of Bolero pick up bearing registration No.KA-19-AB-4670.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:



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Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 9,24,000/-
2.	Funeral expenses	Rs. 16,500/-
3.	Loss of estate	Rs. 16,500/-
4.	Loss of spouse consortium to the petitioner No.1	Rs. 44,000/-
5.	Loss of parental consortium to the petitioners 2	Rs. 44,000/-
	Total	Rs. 10,45,000/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimants have filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellants and learned counsel for respondent No.2/insurer.

7. Learned counsel for the appellants would contend that, the notional income fixed for the year 2022 by the Karnataka State Legal Services Authority is Rs.15,500/- and the said income is to be taken as against Rs.15,000/- taken by the Tribunal. Even though, the



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Tribunal in findings has stated that the deceased was aged fifty six (56) years, the applicable multiplier is '9'. But, while calculating loss of dependency has taken the multiplier '7'. The Tribunal has rightly added 10% future prospects, deducted 1/3rd towards personal expenses of the deceased. He further submits that the compensation awarded on conventional heads is just and proper. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellants/claimants and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment and Award.



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10. The accident occurred on 14.10.2022 and as on the date of accident, the claimant was aged fifty six (56) years. The notional income fixed for the year 2022 by the Karnataka State Legal Services Authority is Rs.15,500/- and the said income is to be taken as against Rs.15,000/- taken by the Tribunal.

11. The Tribunal considering the age of the deceased as fifty six (56) years has gave finding that multiplier applicable is '9', but while calculating loss of dependency has taken multiplier '7'. Therefore, the multiplier '9' is to be taken. The Tribunal has rightly added 10% towards future prospects and deducted 1/3rd towards personal expenses of the deceased. In view of the same, loss of dependency is calculated as under:

$$\begin{aligned} &\text{Rs.15,500/-} + 10\% (\text{Rs.1,550/-}) = \text{Rs.17,050/-} - \\ &1/3\text{rd} = \text{Rs.11,367/-} \times 12 \times 9 = \text{Rs.12,27,636/-} \end{aligned}$$



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12. The claimants are entitled to loss of dependency in a sum of Rs.12,27,636/- as against Rs.9,24,000/- awarded by the Tribunal with interest.

13. Consequently, the claimants are entitled to enhanced compensation of Rs.3,03,636/- (Rs.12,27,636/- - Rs.9,24,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.

14. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

15. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellants/claimants are entitled to enhanced compensation of Rs.3,03,636/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount with*



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interest before the Tribunal within a period of six weeks from this day.

- iv) The appellants/claimants are entitled to release of entire enhanced compensation with interest in the ratio of 60:40 as determined by the Tribunal.*

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

KLV
List No.: 1 Sl No.: 13