



CNR: KAHC010428972025

NC: 2026:KHC:43214
MFA No. 4912 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4912 OF 2025

(MV-D)

BETWEEN:

1. SHANTHAMMA
W/O KAREPPA,
NOW AGED ABOUT 42 YEARS.
2. YALLALINGA
S/O LATE KAREPPA,
NOW AGED ABOUT 27 YEARS.
3. SAKRIYAPPA
S/O LATE KAREPPA,
NOW AGED ABOUT 24 YEARS.
4. CHAITRA K
D/O LATE KAREPPA,
NOW AGED ABOUT 20 YEARS.
5. MADALAMMA
W/O LATE ERANNA KUMBAR,
NOW AGED ABOUT 72 YEARS.

ALL ARE RESIDING AT KALLUR ROAD,
JANATHA COLONY KALMALA, RAICHUR-584 136.

...APPELLANTS

(BY SMT. SUSHMITHA G, ADVOCATE)


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



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AND:

1. MANJESH S
S/O SHIVARAM
MAJOR IN AGE
No.239, 24TH MAIN
23RD CROSS, 2ND SECTOR
HSR LAYOUT, PARANGIPALYA
BENGALURU-560 102.
2. RANJITH K.S
No.14, 4TH CROSS
4TH MAIN, RAMACHANDRAPPA LAYOUT
ST. THOMAS TOWN
KARIYANAPALYA
BENGALURU-560 084.
3. LIBERTY GENERAL INSURANCE CO. LTD
No.1, ALYSSA 1ST FLOOR REAR PORTION
OLD No.28 NEW NO.23 RICHMOND ROAD,
RICHMOND TOWN, BENGALURU – 560 025.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI RAVI S SAMPRATHI, ADVOCATE FOR R3
V/O DTD. 30.04.2026 NOTICE TO R1 & R2
ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:01.02.2025
PASSED IN MVC No.3061/2023 ON THE FILE OF THE II
ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES,
BENGALURU SCCH-13 PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.



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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 01.02.2025 passed in MVC No. 3061/2023 by the II Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-13).

2. Even though the appeal is listed for admission today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 3 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the death of Kareppa (husband of claimant No. 1, father of claimant Nos.2 to 4 and son of claimant No.5) in a road traffic accident that occurred on 13.04.2023 contending that the accident



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occurred due to the rash and negligent driving by the rider of motorcycle bearing registration No. KA-53-HF-8224. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of dependency	Rs.17,42,400.00
2	Loss of consortium to Petitioners	Rs.2,00,000.00
3	Loss of estate	Rs.20,000.00
4	Transportation of dead body, Funeral and obsequies Expenses	Rs.15,000.00
	Total	Rs.19,77,400.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 3 – Insurer to deposit the said award amount with interest. Claimants seeking enhancement of the compensation awarded, have filed the present appeal.



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5. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 3 – Insurer.

6. Learned counsel for appellants would contend that the Tribunal has taken the age of the deceased as 55 years based on the Police documents, namely, FIR, complaint and PM report. Ex.P.16 is Aadhar card of the deceased wherein birth year is mentioned as 1982 and if it is considered, deceased was aged 41 years as on the date of accident. The deceased was working as Site Supervisor in Space Matterz and he was appointed in the year 2013 as per Ex.P.13 on monthly salary of Rs.12,000/- and his pay slips for the months of October, 2022 to March 2023 are produced at Ex.P.14 which indicate that he was drawing salary of Rs.34,000/- and they are supported by cash vouchers at Ex.P.15. In order to prove that the deceased was working as Site Supervisor the Manager of Space Matterz has been examined as P.W.2 and he has stated that the deceased was working as Site Supervisor



in their firm and getting salary of Rs.45,000/-. In spite of said evidence, the Tribunal has taken the notional income of the deceased at Rs.16,000/-. Even though the Tribunal has awarded consortium it has not added escalation at 20%. Even the Tribunal has not added escalation at 20% on funeral expenses and transportation of dead body. With this she prayed to allow the appeal.

7. Learned counsel for respondent No. 3 would contend that as per the Aadhar card – Ex.P.16 even though year of birth is mentioned as 1982, Police records, namely, FIR, Complaint, PM report and inquest mahazar indicate that the deceased was aged 55 years as on the date of accident. Considering the said documents, the Tribunal has rightly taken the age of the deceased as 55 years and applied multiplier of 11. The Tribunal has disbelieved the evidence of P.W.2 and documents produced at Ex.P.13, Ex.P.14 and Ex.P.15 since son and wife of the deceased have stated that the deceased was working as a Mason. The compensation awarded by the



Tribunal is just and proper and there are no grounds for enhancement.

8. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

9. The accident occurred on 13.04.2023. It is the case of the claimants that the deceased was aged 41 years as on the date of accident. Ex.P.16 is copy of the Aadhar card of the deceased wherein date of birth of the deceased is mentioned as 1982. Considering the same, age of the deceased will be 41 years. Ex.P.1 is the FIR and Ex.P.2 is the complaint filed by son of the deceased wherein age of the deceased is mentioned as 55 years. Ex.P.9 - inquest mahazar indicate that the age of the deceased was 55 years. In the said inquest mahazar statement of younger brother of the deceased has been recorded so also statement of one Mohammad Hussain is also recorded wherein they have stated the age of the deceased as 55



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years. Age of the eldest son of the deceased, i.e., claimant No. 2 as on the date of claim petition filed in the year is 2023 is 25 years. Age difference between the elder son of the deceased and the deceased is 16 years if the age of the deceased is taken as 41 years based on Ex.P.16 – Aadhar card of the deceased. Therefore, that itself clearly indicate that year of birth mentioned in the Aadhar card is not correct. Therefore, based on the material placed on the record the Tribunal has rightly taken the age of the deceased as 55 years and rightly applied the multiplier of 11.

10. Claimants contend that the deceased was working as Site Supervisor in Space Mattrez and earning Rs.50,000/- per month. P.W.2 is the Manager of Space Mattrez and he has stated in his chief examination that deceased was working as Site Supervisor and was getting monthly income of Rs.45,000/-. Ex.P.14 – salary slips of the deceased indicate that he got salary of Rs.39,000/- for October 2022, Rs.35,000/- for November 2022,



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Rs.35,000/- for December 2022, Rs.38,000/- for January 2023, Rs.37,000/- for February 2023 and Rs.38,000/- for March 2023. Ex.P.15 contains cash vouchers as per which the deceased is stated to have received salary by cash. Said salary slips do not corroborate with the evidence of P.W.2 who has stated that the deceased was getting monthly salary of Rs.45,000/-. Said Space Mattrez is a construction firm and if the deceased was working in that firm as a labourer/employee there ought to have been contribution towards Provident Fund and no such details are found in the evidence of P.W.2 or no documents are produced.

11. Considering the said aspects, the Tribunal has taken the notional income at Rs.16,000/-. The deceased was aged 55 years as on the date of accident and he was working as a Mason. Considering the age and his experience, he was getting higher income than the notional income. Therefore the income of the deceased is to be taken at Rs.22,000/- per month.



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12. The Tribunal has rightly added future prospects at 10%, deducted 1/4th towards personal expenses of the deceased and applied multiplier 11. In view of the same, loss of dependency is calculated as under:

$$\begin{aligned} \text{Rs.22,000/-} + 10\% (\text{Rs.2,200/-}) &= \text{Rs.24,200/-} \\ \text{Rs.24,200/-} - 1/4^{\text{th}} &= \text{Rs.18,150/-} \\ \text{Rs.18,150} \times 12 \times 11 &= \text{Rs.23,95,800/-} \end{aligned}$$

13. The claimants are wife, three children and mother of the deceased and each of them are entitled to loss of consortium in a sum of Rs.40,000/- with 20% escalation as per the decision of Hon'ble Apex Court in the case of **NATIONAL INSURANCE COMPANY vs. PRANAY SETHI AND OTHERS** reported in **AIR 2017 SC 5157**.

14. Even though the Tribunal has awarded loss of consortium, it has not added escalation at 20%. Therefore, the claimants are entitled to loss of consortium in a sum of Rs.2,40,000/- (Rs.48,000 X 5) as against Rs.2,00,000/- awarded by the Tribunal.



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15. The Tribunal has awarded funeral expenses and transportation of dead body in a sum of Rs.15,000/- each but has not added escalation at 20%. Therefore, the claimants are entitled to funeral expenses and transportation of dead body in a sum of Rs.18,000/- each.

16. The Tribunal has awarded loss of estate in a sum of Rs.20,000/- and it is on higher side. Therefore claimants are entitled to loss of estate in a sum of Rs.15,000/- with 20% escalation i.e., Rs.18,000/-.

17. Considering all the above aspects, the claimants are entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 23,95,800/-
2.	Funeral expenses and transportation of dead body	Rs. 18,000/-
3.	Loss of consortium	Rs. 2,40,000/-
4.	Loss of estate	Rs. 18,000/-
	Total	Rs. 26,71,800/-



18. The claimants are entitled to total compensation of Rs.26,71,800/- as against Rs.19,77,400/- awarded by the Tribunal with interest. Consequently, claimants are entitled to enhanced compensation of Rs.6,94,400/- (Rs.26,71,800/- - Rs.19,77,400/-) with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.3 - Insurer is liable to pay enhanced compensation amount with interest.

19. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *Appellants - claimants are entitled to enhanced compensation of Rs.6,94,400/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.3 - 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) *Appellants - claimants are entitled to release of entire enhanced compensation with interest as per their share as determined by the Tribunal.*

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

LRS, KLV
List No.: 1 SI No.: 48
Ct.sm