



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 8293 OF 2017 (MV-D)

BETWEEN:

SUDHAMANI L P
AGED ABOUT 57 YEARS
W/O. LATE. T N SURENDRAMURTHY,
C/O. SURESH BABU,
PALASANDRA PROMOTERS,
KASTURABA ROAD,
GANDHI NAGAR,
TUMAKURU 572 102

...APPELLANT

(BY SRI. GURUDEVA PRASAD K T, ADVOCATE)

AND:

1. M/S SHARMA TRANSPORT
REP BY SUNIL KUMAR SHARMA,
NO. 27/B, BAZAR STREET,
ANEKAL TOWN,
ANEKAL TALUK,
BENGALURU 562106
2. HDFC ERGO GENERAL INSURANCE
COMPANY LIMITED
NO. 328,
SANGEETHA BHAVAN,
TSP ROAD,
KALASIPALYAM,
BENGALURU 560002.

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



REP BY ITS MANAGER

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2
NOTICE TO R1 IS DISPENSED WITH V/O DTD 14.6.2024)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 24.12.2016 PASSED IN MVC NO. 1130/2015 ON THE FILE OF THE II ADDITIONAL DISTRICT JUDGE AND MACT ,TUMAKURU, 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 C.M. POONACHA

ORAL JUDGMENT

The present appeal is filed by the claimant calling in question the judgment and award dated 24.12.2016 passed by the II Additional District Judge & MACT, Tumakuru,¹ in MVC No.1130/2015, whereunder the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹5,16,000/- together with interest at 6% p.a.

2. The findings of the Tribunal on negligence and liability are not under challenge. The only question that arises

¹ hereinafter referred to as 'Tribunal'



for consideration in the present appeal is the adequacy of the quantum of compensation awarded by the Tribunal.

3. It is forthcoming that the deceased was aged 19 years as on date of accident i.e., on 17.10.2014 and the Tribunal has rightly applied the multiplier of 18. As on the date of accident, the deceased was a student pursuing his 3rd semester Engineering at PESIT College of Engineering. The Tribunal has assessed the income of the deceased at ₹4,500/- p.m. However, having regard to the judgments of the Supreme Court in the case of **Ashvinbhai Jayantilal Modi Vs. Ramkaran Ramachandra Sharma and Another Jayantilal²** and **Kandasami & Others Vs. Lindabriyal & Another³**, as also keeping in mind the factual matrix of the said case as well as the date of accident of the present case, the income of the deceased is re-assessed as ₹25,000/- p.m.

4. Although it is the vehement contention of the learned counsel for the respondent that in the claim petition, it is averred that the deceased was earning ₹12,000/- per month, having regard to the fact that this Court is required to assess

² (2015) 2SCC 180

³ Civil Appeal No.3125/2025 arising out of SLP(C)33897/2018



the just compensation, the contention put forth on behalf of the insurer is not liable to be accepted.

5. Since the deceased was a bachelor, 50% is to be deducted towards personal expenses. 40% is to be added towards future prospects having regard to the judgment of the Supreme Court in the case of ***National Insurance Company Limited V. Pranay Sethi and others***⁴.

6. Hence, the loss of dependency is re-assessed as $(₹25,000 - 50\% + 40\% \times 12 \times 18) = ₹37,80,000/-$ as against ₹4,86,000/- awarded by the Tribunal.

7. The claimant is the mother of the deceased and is entitled to loss of consortium at ₹40,000/- together with 20% escalation in terms of the judgment of ***Magma General Insurance Co., Ltd., v. Nanu Ram***⁵. Accordingly, the claimant is entitled to compensation of ₹48,000/- towards the same.

8. The claimant is also entitled to compensation towards loss of estate and funeral expenses at ₹15,000/- each

⁴ (2017) 16 SCC 680

⁵ (2018) 18 SCC 130



together with 20% escalation. Hence, a sum of ₹18,000/- each is awarded towards the same.

9. The compensation awarded by Tribunal towards loss of love and affection is set aside.

10. Accordingly, the total compensation under various heads is re-assessed as follows:

Sl.No.	Heads	Amount awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1.	Love and affection	10,000.00	00
2.	Loss of estate	--	18,000.00
3	Funeral and transportation expenses	20,000.00	18,000.00
4.	Loss of dependency	4,86,000.00	37,80,000.00
5.	Loss of consortium	00	48,000.00
	Total	5,16,000.00	38,64,000.00

11. Hence, the claimant is entitled to a total compensation of ₹38,64,000.00 as against ₹5,16,000.00 awarded by the Tribunal. (The claimant is entitled to enhanced compensation of ₹38,64,000-₹5,16,000=₹33,48,000)



12. The rate of interest awarded by the Tribunal at 6% p.a., is just and proper.

13. However, taking judicial notice of the interest awarded towards Fixed Deposits, it is just and proper to award interest on the enhanced compensation at 7% p.a.

14. In view of the aforementioned, the following:

ORDER

- i) The above appeal is allowed in part;
- ii) The judgment and award dated 24.12.2016 passed by the II Additional District Judge & MACT, Tumakuru, in MVC No.1130/2015, is modified holding that the claimant is entitled to enhanced compensation of ₹33,48,000.00 together with interest at 7% p.a., from the date of petition till date of realization except for the delay period of 222 days, in terms of the order dated 01.07.2025 passed by this Court in the present appeal, in addition to the compensation awarded by the Tribunal. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) Respondent No.2 – insurer shall deposit the balance compensation together with accrued interest within a period of six weeks;



- iv) Out of the enhanced amount, 50% shall be kept in a Fixed Deposit in any Nationalized Bank of the choice of the claimant for a period of 3 years, upon expiry of which the said amount shall be released directly to the claimant without any further orders either from the Tribunal or this Court in that regard. However, the claimant shall be at liberty to withdraw the periodical interest accrued on the said deposit. The balance 50% shall be released to the claimant forthwith, on proper identification.
- v) The Registry to draw the modified decree accordingly;
- vi) The records, if any, received, be transmitted to the Tribunal forthwith;
- vii) No costs.

Sd/-
(C.M. POONACHA)
JUDGE