



CNR: KAHC010438982026

NC: 2026:KHC:46039
MFA No. 4764 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 4764 OF 2026 (MV-D)

BETWEEN:

1. SMT. JAYANTHI GANAPATHI NAIK
AGED ABOUT 42 YEARS,
W/O GANAPATHI NAIK
2. GANAPATHI DASA NAIK
AGED ABOUT 48 YEARS,
S/O. DASA NAIK
3. MASTER AMODA
AGED ABOUT 18 YEARS,
S/O. GANAPATHI NAIK
4. MASTER CHANDRASHEKHAR
AGED ABOUT 20 YEARS,
S/O. GANAPATHI DASA NAIK

ALL ARE RESIDENT OF
NERAKULLI, MURUDESHWARA
MAVALLI-1 VILLAGE
BHATKAL TALUK,
U.K. DISTRICT-581350.

...APPELLANTS

(BY SMT. POOJA PARVATHI, ADVOCATE FOR
SRI. G. RAVISHANKAR SHASTRY, ADVOCATE)

AND:

1. ISHWAR MASTHAPPA NAIK
AGED ABOUT 51 YEARS,

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



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S/O. MASTHAPPA NAIK,
R/O NAREKULI, BHATKAL,
MAVALLI, MURUDESHWARA,
BHATKAL, BHATKAL TALUK,
U.K. DISTRICT-581350.

2. THE NATIONAL INSURANCE CO. LTD.,
KUNDAPURA BRANCH OFFICE,
SRI SAI COMPLEX, 2ND FLOOR,
Y.M. SHETTY ROAD, KUNDAPURA-576201,
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R2;
V/O DATED 08.07.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DATED 23.01.2026 PASSED IN
MVC NO.503/2020 ON THE FILE OF THE I ADDITIONAL
DISTRICT JUDGE AND ADDITIONAL MACT, UDUPI (SITTING AT
KUNDAPURA) 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 appellants/claimants
seeking enhancement of compensation awarded in
judgment and award dated 23.01.2026 passed in MVC
No.503/2020 by the I Additional District Judge and
Additional MACT, Udupi (sitting at Kundapura).



2. The appellants/claimants made a claim petition praying to award compensation for the death of Abhishek Ganapathi Naik in a road traffic accident occurred on 07.02.2020 contending that the accident occurred due to rash and negligent driving of the rider of motor cycle bearing Regn.No.KA-47-V-9343. 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	21,16,800/-
02.	Loss of consortium	44,000/-
03.	Funeral expenses	16,500/-
04.	Loss of estate	16,500/-
05.	Conveyance charges	10,000/-
	Total	22,03,800/-

3. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.



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

5. Learned counsel for appellants would contend that deceased was studying in II semester Diploma course in Civil Engineering and Ex.P14 is produced to show the same. In spite of the said document, the Tribunal has taken the notional income at Rs.14,000/-. Considering the said document the income of the deceased is to be taken higher than the notional income fixed for unskilled labourer. She further submits that the Tribunal has not awarded consortium to all the claimants and only awarded consortium to one claimant. With this she prayed to allow the appeal.

6. Learned counsel for respondent No.2/insurer would contend that claimants have not produced any document to show what is the income of a diploma civil engineering holder will get after completion of course. Considering the same the Tribunal has rightly taken the



notional income. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.

7. Having heard the learned counsels, the Court has perused the judgment, award and certified copy of Ex.P14 made available by the learned counsel for the appellants.

8. The accident occurred on 07.02.2020 and as on the date of the accident, the deceased was aged 17 years studying in 2nd Semester of Diploma in Civil Engineering. Ex.P14 is the certificate issued by R.N.Shetty Rural Polytechnic college which indicate that deceased was studying in 2nd Semester Diploma in Civil Engineering course and he has secured distinction in I Semester Civil Engineering examination. Considering the said aspects the income has to be taken higher than the notional income fixed for an unskilled labourer. A Division Bench of this Court in MFA No.104894/2019 c/w MFA No.103864/2018 disposed on 28.02.2020 has taken the



income of an Engineering student at Rs.25,000/-. The deceased is a Diploma student in Civil Engineering, therefore, his income has to be taken at Rs.20,000/- p.m. The Tribunal has rightly added 40% future prospects, deducted 50% towards personal expenses of deceased and applied multiplier '18'. In view of the above, loss of dependency is calculated as under:

$$\text{Rs.20,000} + 40\% (8,000) = \text{Rs.28,000} - 50\% = 14,000/-$$

$$\text{Rs.14,000} \times 12 \times 18 = \text{Rs.30,24,000/-}$$

9. The Tribunal has awarded consortium of Rs.44,000/-. There are four claimants and they are parents and two younger brothers of the deceased. All the claimants are entitled to consortium in a sum of Rs.44,000/- i.e. Rs.1,76,000/-. The Tribunal has rightly awarded funeral expenses and loss of estate.

10. 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	30,24,000/-
02.	Loss of consortium	1,76,000/-
03.	Funeral expenses	16,500/-
04.	Loss of estate	16,500/-
	Total	32,33,000/-

11. Considering the above aspects, the claimants are entitled to total compensation of Rs.32,33,000/- as against Rs.22,03,800/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimants are entitled to enhanced compensation of Rs.10,29,200/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

12. 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.10,29,200/-



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with interest @ 6% p.a. from the date of
petition till realization.

- iii) Respondent No.2/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
enhanced compensation in the ratio of
30:30:20:20.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
CT:SM
List No.: 1 Sl No.: 9