



CNR: KAHC010439022026

NC: 2026:KHC:48023
MFA No. 4827 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4827 OF 2026

(MV-I)

BETWEEN:

MRS. SUMATHI
W/O. BHOJARAJA @ BOJARAJA
AGED 46 YEARS
R/AT 2-65, UDDTHOTU HOUSE
MITHAKODI, KURNADU POST
KURNAD, BANTWAL TALUK, D.K.
PIN-574 153.

...APPELLANT

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

AND:

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

1. SMT. AMITHA ANIL ALVA
ADULT, W/O. LATE ANIL KUMAR
R/AT E-002, ADARSH RHYTHM BLOCK
G F PANDURANGA NAGAR
B G ROAD, BENGALURU
PIN-560 076.
2. CHOLAMANDALAM
MS GENERAL INSURANCE CO. LTD.
UNIT No.04, 9TH FLOOR "GOLDEN HEIGHTS"
COMPLEX, 59TH CROSS
INDUSTRIAL SUBURB RAJAJI NAGAR



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BANGALURU.
PIN-560 010.

...RESPONDENTS

(BY SRI D VIJAYAKUMAR, ADVOCATE FOR R2
V/O DTD. 8.7.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:10.04.2026 PASSED IN MVC No.277/2024 ON THE FILE OF THE MEMBER, MACT-III AND II ADDITIONAL DISTRICT AND SESSIONS JUDGE, MACT, DAKSHINA KANNADA, MANGALURU, 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 appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 10.04.2026 passed in MVC No.277/2024 by the II Additional District and Sessions Judge and Member, MACT-III, D.K. Mangaluru.

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of



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learned counsel for appellant and learned counsel for respondent No.2/insurer.

3. The appellant made a claim petition praying to award compensation for the death of Bhojaraja @ Bojaraj in a road traffic accident occurred on 24.08.2023 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-01-MS-9650. 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	10,56,000/-
02.	Loss of future income under loss of dependency	1,05,600/-
03.	Love and affection and filial consortium to claimant (48,400)	48,400/-
04.	Loss of estate	18,150/-
05.	Transportation of dead body and funeral expenses	18,150/-
	Total	12,46,300/-



4. 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 claimant seeking enhancement of compensation has filed the present appeal.

5. Heard the learned counsel for the appellant and learned counsel for respondent No.2/insurer.

6. The accident occurred on 24.08.2023 and deceased was aged 55 years as on the date of accident. The deceased was a married man and claimant is his wife. The Tribunal has deducted 50% towards personal expenses of deceased.

7. The Hon'ble Apex Court in recent case of ***Ved Kanwar and others Vs Babulal and Others (2026 ACJ 872)*** has considered a similar case and taken deduction at 1/3rd where the deceased was married and left behind his widow only. The said observation of the Hon'ble Apex Court is as under:



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"6. Thus, in the case of Sarla Verma v. Delhi Transport Corporation, 2009-ACJ 1298 (SC), as approved in Pranay Sethi (supra), this court has clearly held that "where the deceased was married, the deduction towards personal and living expenses of the deceased, should be 1/3rd (one-third) meaning thereby that where the deceased was married and left behind his widow only, the deduction should be 1/3rd (one-third)."

8. In view of the above, since the deceased left the claimant who is a widow, deduction is to be taken at 1/3 as against 50% taken by the Tribunal.

9. The notional income fixed for the year 2023 is Rs.16,250/-p.m. by the Karnataka State Legal Services Authority and the said income is to be taken as against Rs.16,000/- taken by the Tribunal. Considering the age of the claimant, the Tribunal has rightly applied multiplier '11' and added future prospects at 10%. In view of the above, the loss of dependency is calculated as under:

$$\text{Rs.16,250} + 10\% = 17,875 \times 12 = 2,14,500$$



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$\text{Rs.}2,14,500 - 1/3 = \text{Rs.}1,43,000 \times 11 = \text{Rs.}15,73,000/-$

10. The claimant is not seeking any enhancement under conventional heads. In view of the above, the claimant is entitled to loss of dependency in a sum of Rs.15,73,000/- as against Rs.11,61,600/- awarded by the Tribunal. Consequently, the claimant is entitled to enhanced compensation of Rs.4,11,400/- 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.

7. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.4,11,400/- with interest @ 6% p.a. from the date of petition till realization.



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- 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) Appellant/claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 23
Ct.sm