



CNR: KAHC010439042026

NC: 2026:KHC:45765
MFA No. 4786 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 4786 OF 2026

(MV-D)

BETWEEN:

1. MR. CHANDRAHASA ACHARYA
S/O. LATE ACCHUTHA ACHARYA,
AGED ABOUT 59 YEARS.
2. MRS. SANDHYA,
W/O. CHANDRAHASA ACHARYA,
AGED ABOUT 45 YEARS.
3. MISS RAJESHWARI,
D/O. CHANDRAHASA ACHARYA,
AGED ABOUT 21 YEARS
ALL ARE RESIDING AT No.1-202/5,
RAJESHWARI NILAYA, BORUGUDDE,
NEAR HINDU JAGARANA KATTE,
THENKAYEDAPADAVU VILLAGE,
SHIBRIKERE POST, GANJIMATTA,
MANGALURU, D.K. PIN-574 144.

...APPELLANTS

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

AND:

1. MRS. SUMAYYA MATHEEN
ADULT, W/O. MOHAMMED MATHEEN,

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



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R/AT ARIF MANZIL, GOWRIKERE,
MOODABIDRI, MANGALURU TALUK,
D.K. PIN-574 227.

2. THE BRANCH MANAGER,
ORIENTAL INSURANCE CO.LTD.,
BRANCH OFFICE SATHISH COMPLEX,
GROUND FLOOR, OPP: GOVINDA DASA COLLEGE,
BEHIND SBI SURATHKAL,
MANGALURU, D.K. PIN-575 014.

...RESPONDENTS

(BY SRI A RAVISHANKAR, ADVOCATE FOR R2
V.K NOT FILED, V/O DTD. 06.07.2026,
NOTICE TO R1 D/W)

THIS MFA IS FILED UNDR SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:30.04.2026
PASSED IN MVC No.1339/2023 ON THE FILE OF THE II
ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER, MACT,
MANGALURU D.K., 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

1. This appeal is filed by the claimants seeking
enhancement of compensation awarded in the judgment
and award dated 30.04.2026 passed in MVC No.



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1339/2023 by the II Additional Senior Civil Judge and Member, MACT, Mangaluru, D.K.

2. Appellant – claimant made a claim petition praying to award compensation for the death of Karthik in a road traffic accident that occurred on 05.06.2023 due to the rash and negligent driving by the driver of bus bearing registration No. KA-19-AB-3569. 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 for petitioner Nos. 1 and 2	Rs.24,10,200.00
2	Funeral expenses for petitioner Nos. 1 and 2	Rs.16,500.00
3	Loss of estate for petitioner Nos.1 and 2	Rs.16,500.00
4	Loss of filial consortium to petitioner Nos.1 and 2 each	Rs.88,000.00
	Total	Rs.25,40,200.00

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of



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realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

4. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 2 – Insurer.

5. Learned counsel for appellants would contend that the claimant was a student of BCA and documents Ex.P.15 to Ex.P.19 indicate the same. Income of BCA student cannot be equated to income of unskilled labour. BCA student will also get income equal to engineering graduates. Learned counsel for appellant, placing reliance on the decision of Division Bench of this Court in MFA No.104894/2019 and connected matter disposed of on 28.02.2020 contends that this Court has taken the income of an engineering student at Rs.25,000/-. She further submits that the Tribunal has added future prospects at



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40% and deducted $\frac{1}{2}$ towards personal expenses and applied multiplier of 18. She further contends that the Tribunal has not awarded consortium to claimant No.3 – younger sister of the deceased. The Tribunal has not considered 20% escalation of conventional heads. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2 – Insurer would contend that though deceased was a BCA student he was not an extraordinary student. BCA graduate cannot be equated with an engineering graduate. Considering the same, the Tribunal has rightly taken the notional income. Compensation awarded under all heads are just and proper and there are no grounds for enhancement.

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

8. Date of accident is 05.06.2023 and as on the date of accident the claimant was aged 19 years. Ex.P.15 to Ex.P.18 indicate that the deceased was studying in I



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year BCA. Division Bench of this Court in MFA No.104894/2019 and connected matter has considered the income of an engineering student at Rs.25,000/- per month. Considering the fact that the deceased was a BCA student and a BCS graduate cannot be equated with an engineering graduate, income of the deceased is taken at Rs.22,000/-. The Tribunal has rightly taken 40% future prospects, deducted 50% towards personal expenses and applied multiplier of 18. In view of the above, loss of dependency calculated as under:

$$22,000 + 8,800 (40\%) = \text{Rs.}30,800/-$$

$$30,800 - 50\% = \text{Rs.}15,400/-$$

$$15,400 \times 12 \times 18 = \text{Rs.}33,26,400/-$$

9. Claimant No.3 is the younger sister of the deceased and she is also entitled to consortium. The Tribunal has only awarded consortium to claimant Nos.1 and 2 who are the parents of the deceased. While awarding compensation under conventional heads, the



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Tribunal has only considered escalation at 10%. The accident has occurred in the year 2023 after 6 years from the decision of the Hon'ble Supreme Court in the case of ***National Insurance Company Vs Pranay Sethi and Others*** reported in ***AIR 2017 SC 5157***. Therefore escalation is to be taken at 20% (10% for every 3 years). Therefore, claimants are entitled to consortium in a sum of Rs.1,44,000/- (Rs.48000 X 3).

10. In view of the above, claimant is entitled to total compensation under various heads as under:

	Loss of dependency	Rs.33,26,400.00
2	Loss of consortium	Rs.1,44,000.00
3	Loss of estate	Rs.18,000.00
4	Loss of estate	Rs.18,000.00
	TOTAL	Rs.35,06,400.00

11. Considering the above aspects claimants are entitled to total compensation of Rs.35,06,400/- with interest as against Rs.25,40,200/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.9,66,200/- with interest at the rate of 6% p.a. from the date of petition till the date of



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realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellants – claimants are entitled to enhanced compensation of Rs.9,66,200/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellants - claimants entitled to release of entire enhanced compensation in the ratio of 30 : 50 : 20.

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

LRS
List No.: 1 Sl No.: 5
Ct.sm