



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.3733 OF 2018(MV-D)

BETWEEN:

1. VASANTHI,
AGED ABOUT 55 YEARS,
W/O. LATE RAMESH P. ACHARYA,
2. RESHMA,
AGED ABOUT 37 YEARS,
D/O. LATE RAMESH P. ACHARYA,
3. RASHMI,
AGED ABOUT 36 YEARS,
D/O. LATE RAMESH P. ACHARYA,
4. KIRAN,
AGED ABOUT 34 YEARS,
D/O. LATE RAMESH P. ACHARYA,
5. SHRUTHI,
AGED ABOUT 24 YEARS,
D/O LATE RAMESH P. ACHARYA,

ALL ARE R/O "SHRI SANNIDHI",
NAYAMPATTI, 3RD CROSS,
NEAR SNATHEKATTE MARKET,
BACK ROAD, SANTHEKATTE POST,
UDUPI TQ & DIST.

...APPELLANTS

(BY SRI. SADASHIVA D., ADVOCATE)



AND:

1. SUBRAMANYA NAYAK,
AGED ABOUT 23 YEARS,
S/O MADHVA NAYAK
R/O 5-137, NARASIMHA DRIPA
MAYAGUNDI PUTTUR VILLAGE,
SANTHEKATTE POST
UDUPI TQ AND DIST- 576 105.
2. THE UNITED INDIA INSURANCE CO. LTD.,
DIVISIONAL MANAGER,
DIVISIONAL OFFICE,
JEWEL PLAZA, MARUTHI VITHIKA
OPP SHRINIDHI MEDICAL
NEAR CHITHARANJAN CIRCLE
UDUPI-576 101.
(POLICY NO. 2405003114
P108950261)

...RESPONDENTS

(BY SRI. PHANEENDRA, ADVOCATE FOR
SRI. A.N.KRISHNA SWAMY, ADVOCATE FOR R2;
R1 SERVED AND UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 08.11.2017 PASSED IN
MVC NO.562/2016 ON THE FILE OF THE ADDITIONAL SENIOR
CIVIL JUDGE AND ADDITIONAL M.A.C.T., UDUPI, 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 DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri.Sadashiva D., learned counsel for the appellants, as well as Sri.Phaneendra who represents Sri.A.N. Krishna Swamy, learned counsel on record for respondent No.2.

2. Being aggrieved by the sum that is awarded as compensation, the claimants in MVC No.562/2016 which stood pending before the Additional Motor Accident Claims Tribunal, Udupi and was disposed of through order dated 08.11.2017 filed this appeal.

3. Learned counsel for the appellants submit that first appellant is the wife and appellants No.2 to 5 are the children of the deceased Ramesh P. Acharya, who met with an accident in the year 2015 and died due to the injuries sustained. Learned counsel contends that the deceased Ramesh P. Acharya (hereinafter be referred to as the 'deceased' for brevity) was aged around 59 years as on the date of accident. However, Tribunal considered the age of the deceased as 63 years as on the date of accident. Learned counsel also states that the deceased by working as Goldsmith was earning ₹12,000/- per month. But, Tribunal took the notional income of



the deceased as ₹10,000 per month. Learned counsel also states that compensation granted by the Tribunal under all heads is on lower side and therefore the same is required to be enhanced.

4. On the other hand, learned counsel who represents respondent No.2 submits that the Tribunal awarded justifiable sum as compensation. Learned counsel also states that appellants failed to produce any proof in respect of the occupation and earnings of the deceased as on the date of accident. The accident occurred in the year 2015 and for the relevant period the Karnataka State Legal Services Authority as well as the Courts are taking notional income as ₹9,000/- per month. However, the Tribunal took the notional income of the deceased as ₹10,000/- per month and awarded excessive sum under the head 'loss of dependency'. Learned counsel thereby seeks to dismiss the appeal.

5. As rightly contended, no material whatsoever was produced by the appellants in proof of the occupation and earnings of the deceased as on the date of accident. Therefore, this Court does not find any grounds to interfere with the



observation of the Tribunal that the notional income of the deceased is required to be taken as ₹10,000/- per month. Also by considering the contents of Ex.P4 - Inquest Mahazar and Ex.P8 - Post Mortem Report, Tribunal considered the age of the deceased as 63 years as on the date of accident. Appellants failed to substantiate their version that the deceased was aged around 59 years by the date of accident. Compensation granted by the Tribunal thus under all heads, except under the head loss of consortium, is justifiable. The first appellant being the wife of the deceased is entitled to ₹40,000/- towards loss of spousal consortium, appellants No.2 to 5 being the children of the deceased are entitled to ₹40,000/- towards loss of parental consortium. However, Tribunal granted a sum of ₹40,000/- only towards loss of consortium. Therefore, additional sum which the appellants are entitled to receive is ₹40,000/-. Hence, the appeal is disposed of with the following:

ORDER

- (i) Appeal is allowed-in-part.
- (ii) Compensation granted by the Additional Motor Accident Claims Tribunal, Udupi through orders in



MVC No.562/2016 dated 08.11.2017 is enhanced by ₹40,000/-.

- (iii) The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit except for the period of delay of 70 days as per orders on IA No.1/2018.
- (iv) Respondent No.2 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- (v) Appellants No.1 to 5 are entitled to equal share out of the enhanced sum.
- (vi) On deposit, appellants are permitted to withdraw their respective shares.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 7