



CNR: KAHC010450682026

NC: 2026:KHC:46040
MFA No. 4971 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. 4971 OF 2026 (MV-D)

BETWEEN:

1. VIJETHA
AGED ABOUT 25 YEARS,
D/O LATE VITTALA POOJARY.

2. VINEETHA
AGED ABOUT 22 YEARS,
D/O LATE VITTALA POOJARY.

BOTH ARE R/O H.NO.11-135,
DEVI NILAYA, RAMANNA SHETTY ROAD,
KUKKENJE, SNATHEKATTE POST,
SHIVALLI,
UDUPI TQ AND DISTRICT-576105.

3. SUSHEELA,
AGED ABOUT 76 YEARS
W/O PANCHA POOJARY,
R/O H.NO.5-390, MATHRUCHAYA,
NEAR INDRALI TEMPLE,
KUNJIBETTU POST,
UDUPI TALUK AND DISTRICT-576102.

...APPELLANTS

(BY SRI. H. PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. MR. NAGABUSHAN
S/O H. KRISHNA ACHARYA,
AGED ABOUT 41 YEARS,

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



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R/O H.NO.958-A, MSRS NAGAR,
VIJAYA BANKA LAYOUT,
BILLEKAHAHALLI, B.G. ROAD,
BANGALORE - 560076.

2. THE DIVISIONAL MANAGER,
ORIENTAL INS. CO. LTD.,
DIVISIONAL OFFICE, 2ND FLOOR,
VISHNU PRAKASH BUILDING,
COURT ROAD, UDUPI- 576101.

...RESPONDENTS

(BY SRI. K. NAGARAJAIAH, ADVOCATE FOR R2;
V/O DATED 10.07.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DATED 17.11.2023 PASSED IN
MVC NO.206/2020 ON THE FILE OF THE ADDITIONAL MOTOR
ACCIDENTS CLAIMS TRIBUNAL AND II ADDITIONAL SENIOR
CIVIL JUDGE, UDUPI, PARTLY ALLOWING THE CLAIM PETITION
FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR FURTHER 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 17.11.2023 passed in MVC
No.206/2020 by the II Additional Senior Civil Judge and
Additional MACT, Udupi.



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2. The appellants/claimants made a claim petition praying to award compensation for the death of Vittala Poojary in a road traffic accident occurred on 26.05.2019 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing Regn.No.KA-02-MA-1877. The Tribunal after recording 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	18,20,052/-
02.	Towards loss of estate	15,000/-
03.	Towards filial consortium	40,000/-
04.	Towards parental consortium	80,000/-
05.	Towards funeral expenses	15,000/-
	Total	19,70,052/-

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.



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

5. The deceased was aged 49 years as on the date of accident. The accident took place on 26.05.2019. Claimant Nos.1 and 2 are daughters and claimant No.3 is mother of deceased. Considering the same, the Tribunal has rightly deducted 1/3rd towards personal expenses of deceased and added 25% towards future prospects and applied multiplier '13'. The Tribunal has also awarded consortium to all three claimants. The Tribunal has also awarded loss of estate and funeral expenses. Considering the said aspects, there are no grounds for enhancement. Hence, the appeal is dismissed.

Sd/-
(SHIVASHANKAR AMARANAVAR)
JUDGE

DKB
CT:SM
List No.: 1 Sl No.: 11