



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 8563 OF 2017 (MV-D)

BETWEEN:

1. SMT. MEHER BANU
W/O LATE SYED ALTAF HASSAN,
AGED ABOUT 46 YEARS
2. SYED FARHAN HASSAN
W/O LATE SYED ALTAF HASSAN,
(SINCE MINOR REPRESENTED BY HIS
NEXT FRIEND MOTHER SMT. MEHER BANU
1ST APPELLANT)
3. SYED ABDUL MAJID
S/O LATE SYED ABDUL GAFFAR
AGED ABOUT 74 YEARS

ALL ARE R/AT NO.4422,
8TH CROSS, ST.MARYS ROAD,
MYSURU CITY - 570 005.

...APPELLANTS

(BY SMT. SUMA KEDILAYA, ADVOCATE FOR
SRI. PADMANABHA KEDILAYA V, ADVOCATE)

AND:

1. SRI. MUZAMIL PASHA
S/O LATE DASTAGI,
AGED ABOUT 33 YEARS

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



NO.142, CHIKKA MASIDI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT - 573 211.

2. AFSAR KHAN
MAJOR NO.2, JANDAL KOPPAL,
HOLENARASIPURA TALUK,
HASSAN DISTRICT - 573 211.
3. CHOLAMANDALAM MS GENERAL
INSURANCE CO.LTD.,
MYTHRI ARCADE, KANTHARAJ URS ROAD,
SARASWATHIPURAM, MYSORE - 570 009.

...RESPONDENTS

(BY SRI. O. MAHESH, ADVOCATE FOR R3;
VIDE ORDER DATED 22.11.2019, NOTICE TO R1 IS
DISPENSED WITH;
VIDE ORDER DATED 14.03.2022, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 16.01.2016 PASSED IN MVC
NO.820/2013 ON THE FILE OF THE JUDGE, ADDITIONAL SMALL
CAUSES AND SENIOR CIVIL JUDGE, MYSURU, 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 C M JOSHI



ORAL JUDGMENT

Heard learned counsel appearing for the appellants.
None appears for the respondents.

2. Being aggrieved by the judgment and award in MVC.No.820/2013, dated 16.01.2016 passed by the Additional Court of Small Causes and MACT, Mysuru, petitioner Nos.1 and 2 are before this Court in appeal seeking enhancement of the compensation.

3. The factual matrix of the case is that on 05.07.2013 at about 01.15 p.m., the deceased was proceeding on the motor bike bearing Reg.No.KA-09-R-6781, the driver of the Tata ACE bearing Reg.No.KA-13-A-5515 drove the same in a high speed and rash and negligent manner from the opposite direction and collided with the motor bike of the deceased resulting in his death. A case was registered against the driver of the Tata ACE by the Jurisdictional Police and it resulted in filing of a charge-sheet against him. The petitioners claiming that the negligence was on the part of the driver of the Tata



ACE, filed a claim petition before the Tribunal, seeking compensation of Rs.45,55,000/-. Petitioner No.1 is the wife of the deceased and petitioner No.2 is the minor son of the deceased and petitioner No.3 is the father of the deceased. During the interregnum of the disposal of MVC No.820/2013 and filing of the present appeal, petitioner No.3 also died. Respondent Nos.1 to 3 are the driver, owner and insurer of the Tata ACE vehicle respectively. In their defense, respondent Nos.1 and 2 contended that the negligence was on the part of the deceased and there was no such negligence on the part of respondent No.1. They contended that the liability if any, has to be fastened upon respondent No.3.

4. Respondent No.3 - Insurance Company contended that the compensation claimed is highly exorbitant and imaginary and it denied the age, income and occupation of the deceased. *Inter alia*, it is also contended that the terms and conditions of the policy were



violated by respondent Nos.1 and 2 and therefore, it is not liable to pay any compensation.

5. On the basis of the above contentions, appropriate issues were framed by the Tribunal. Petitioner No.1 was examined as PW1 and Exhibits P1 to 14 were marked in evidence. No evidence was led on behalf of the respondents. After hearing the arguments, the Tribunal held that the income of the deceased was Rs.6,000/- per month and deducted 1/3rd towards the 'personal expenses' of the deceased and awarded a total compensation of Rs.10,48,600/- under the following heads:

SL. NO.	PARTICULARS	AMOUNT (IN RS.)
1	Loss of dependency	8,73,600/-
2	Loss of Consortium	50,000/-
3	Funeral expenses	25,000/-
4	Love and affection and care and protection (Petitioner No.2)	1,00,000/-
	TOTAL	10,48,600/-



6. Being aggrieved by the quantum of the compensation, petitioner Nos.1 and 2 are before this Court in appeal.

7. Learned counsel appearing for the appellants would submit that the Tribunal erred in holding the income of the deceased at Rs.6,000/- p.m., when the minimum wages fixed under the Minimum Wages Act are on the higher side. She also submits that the Guidelines issued by the KSLSA for the purpose of settlement of the disputes before the Lok-adalat should have been adhered to by the Tribunal. It is also submitted that the formula as laid down by the Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and others***¹ has not been followed.

8. A perusal of the records would reveal that the deceased was aged 45 years and the Tribunal had placed reliance on the available records i.e., the voter ID card. In the absence of any other material on record to show the

¹ 2017 (16) SCC 680



age of the deceased, the same has to be accepted and therefore, the selection of the multiplier of '14' cannot be disputed.

9. Insofar as the income of the deceased is concerned, the Guidelines issued by the KSLSA for the purpose of settlement of the disputes before the Lok-adalat prescribe a notional income of Rs.8,000/- per month. In umpteen number of judgments, this Court has held that the Guidelines issued by the KSLSA are in general conformity with the wages fixed under the Minimum Wages Act and therefore, they are acceptable. Since there are 2 petitioners, 1/3rd has to be deducted towards the 'personal expenses' of the deceased and also by considering the future prospects of the deceased at 25%. Therefore, the 'loss of dependency' is calculated as $\text{Rs.}(8,000 + 2,000) \times 14 \times \frac{2}{3} \times 12 = \text{Rs.}11,20,000/-$.

10. In addition to this, petitioner Nos.1 to 3 are also entitled for the compensation under the head of 'love and affection' at Rs.44,000/- each i.e., Rs.1,32,000/-.



11. As held by the Hon'ble Apex Court in the case of ***Pranay Sethi (supra)***, the petitioners are also entitled for the compensation under the head of 'funeral expenses' at Rs.16,500/- and 'loss of estate' at Rs.16,500/- and as such they are entitled for a total compensation of Rs.12,85,000/- under the following heads:

PARTICULARS	AMOUNT (IN RS.)
Loss of dependency	11,20,000/-
Loss of love and affection	1,32,000/-
Funeral expenses	16,500/-
Loss of estate	16,500/-
TOTAL	12,85,000/-
Less awarded by Tribunal	10,48,600/-
Enhancement	2,36,400/-

12. Therefore, the appeal deserves to be allowed in part. Hence, the following:

ORDER

- (i) The appeal is allowed-in-part.
- (ii) The impugned judgment and award passed by the Tribunal is modified, by awarding a sum of



Rs.2,36,400/- in addition to what has been awarded by the Tribunal together with interest at 6% p.a. from the date of petition till its deposit, excluding the interest for 575 days as ordered by this Court on 01.07.2025.

- (iii) The apportionment of the compensation made by the Tribunal shall remain unaltered.
- (iv) However, the Tribunal shall distribute the compensation awarded to petitioner No.3 equally to petitioner Nos.1 and 2.

Sd/-
(C M JOSHI)
JUDGE

CH,
List No.: 1 SI No.: 17
CT: BHK