



CNR: KAHC010460812026

NC: 2026:KHC:43190
MFA No. 5067 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5067 OF 2026

(MV-D)

BETWEEN:

SMT. SESAMMA
AGED ABOUT 72 YEARS
W/O LATE MADHAVA SALIAN
R/O H.No.6-99, MATATHOTA
YERMAL POST, BADA VILLAGE
KAPU TALUK
UDUPI DISTRICT- 574 119.

...APPELLANT

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

(BY SRI RAJAT G SIDDAPURMATH, ADVOCATE FOR
SRI H PAVANA CHANDRA SHETTY, ADVOCATE)

AND:

1. MR. NAZEER HUSSAIN
AGED ABOUT 37 YEARS
S/O HAJABBA,
R/O. H.No.2-450(3),
M.S APARTMENT, BAJPE
OLD AIRPORT ROAD
BAJPE, MANGALORE
D.K-575 001.



NC: 2026:KHC:43190
MFA No. 5067 of 2026

CNR: KAHC010460812026

2. THE DIVISIONAL MANGER
SHRI RAM GENERAL INS. CO. LTD.,
DIVISIONAL OFFICE, D.No. 14-2-101/6
3RD FLOOR, PLAZA CHAMBERS
BALMATTA ROAD, MANGALORE.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B C SHIVANNEGOWDA, ADVOCATE FOR R2
V/O DTD. 16.07.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:
20.02.2026.PASSED IN MVC No.47/2024 ON THE FILE OF THE
II ADDL. SENIOR CIVIL JUDGE AND ADDL. M.A.C.T. AT UDUPI,
AWARDING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS 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 20.02.2026 passed in MVC No.47/2024 by
the II Additional Senior Civil Judge and Addl.MACT, Udupi.



NC: 2026:KHC:43190
MFA No. 5067 of 2026

CNR: KAHC010460812026

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of 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 her son Ramesha in a road traffic accident occurred on 02.07.2023 contending that the accident occurred due to rash and negligent driving of the driver of Car bearing Regn.No.KA-20-C-8541. 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 income	15,60,000/-
02.	General Damages	
	A Funeral and Transportation	18,000/-
	B Consortium	48,000/-
	C Loss of Estate	15,000/-
	D Medical expenses	-
	Total	16,41,000/-



CNR: KAHC010460812026

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

6. Learned counsel for appellant would contend that deceased was working as a Cook in Kalyan Bar and Restaurant and earning Rs.18,000/- p.m. The Tribunal has erred in taking notional income at Rs.16,000/-. The Tribunal has not added escalation at 20% on loss of estate. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that the compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.



CNR: KAHC010460812026

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. It is contended that the deceased was working as a Cook in Kalyan Bar and Restaurant. Ex.P12 is the certificate issued by Kalyan Bar and Restaurant where under the monthly income of the deceased has been shown as Rs.18,000/-p.m. In order to prove the said document the author of the said document has not been examined. The claimant has not produced any supporting document such as bank account statement. Considering the said aspect the Tribunal has taken the notional income at Rs.16,000/- The accident occurred in the year 2023. As per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken. The Tribunal has rightly added 25% towards future prospects, deducted 50% towards personal expenses of deceased and applied multiplier '13' as the deceased is



aged 49 years. Therefore, the compensation towards loss of dependency is calculated as under:

$$\text{Rs.16250} + 4062 (25\%) = \text{Rs.20,312} - 50\% = \text{Rs.10,156/-}$$

$$\text{Rs.10,156} \times 12 \times 13 = \text{Rs.15,84,336/-}$$

10. The Tribunal has rightly awarded consortium by taking escalation at 20% and funeral expenses and transportation by taking 20% escalation. The Tribunal has awarded loss of estate in a sum of Rs.15,000/- but has not added 20% escalation. Therefore, loss of estate to be awarded is Rs.18,000/- as against Rs.15,000/- awarded by the Tribunal. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	15,84,336/-
02.	Funeral expenses	18,000/-
03.	Loss of consortium	48,000/-
04.	Loss of estate	18,000/-
	Total	16,68,336/-



NC: 2026:KHC:43190
MFA No. 5067 of 2026

CNR: KAHC010460812026

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.16,68,336/- as against Rs.16,41,000/- with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.27,336/- 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.

12. 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.27,336/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before



NC: 2026:KHC:43190
MFA No. 5067 of 2026

CNR: KAHC010460812026

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.: 38
Ct.sm