



CNR: KAHC010460822026

NC: 2026:KHC:46755
MFA No. 5050 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5050 OF 2026

(MV-D)

BETWEEN:

SMT. NIRMALA SANGAPPA NAGARAL
AGED ABOUT 48 YEARS
W/O. LATE SANGAPPA
R/O. GORPADE STREET, PARASAPUR
PARASAPUR, RAYANAL
DHARWAD-580 001.

...APPELLANT

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

AND:

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

THE MANAGING DIRECTOR
KSRTC, CENTRAL OFFICES,
K.H. ROAD, MANGALURU DIVISION
MANGALURU-575 001.

...RESPONDENT

(BY SMT. H R RENUKA, ADVOCATE – V.C.)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:26/02/2026
PASSED IN MVC No.875/2024 ON THE FILE OF THE COURT OF
II ADDL. SENIOR CIVIL JUDGE AND ADDL. MACT AT UDUPI.,



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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 26.02.2026 passed in MVC No.875/2024 by II
Additional Senior Civil Judge and Additional MACT, Udupi.

2. Even though the appeal is listed today for
admission, it is taken up for disposal with the consent of
learned counsel for appellants and learned counsel for the
respondent –insurer.

3. The appellant -claimant made a claim petition
praying to award compensation for the death of Sangappa
(husband of claimant No.1) in a road traffic accident
occurred on 21.06.2024 contending that the accident



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occurred due to rash and negligent driving of the driver of stage carriage vehicle bearing registration No.KA-19/F-3411. 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	11,97,900/-
02.	Loss of consortium	48,000/-
03.	Loss of Estate	15,000/-
04.	Funeral and Transportation	18,000/-
Total		12,78,900/-

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the respondent 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.



6. Learned counsel for appellant would contend that the claimant is wife of the deceased and therefore, deduction at 1/2 towards personal expenses of the deceased is not proper and deduction to be taken at 1/3rd. The Tribunal has taken notional income at Rs.16,500/- per month. But as per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- and that is to be taken as against Rs.16,500/- as taken by the Tribunal. The Tribunal has rightly applied multiplier '11'. He further submits that the Tribunal has not added 20% escalation for loss of estate. With these, he prays to allow the appeal and enhancement of compensation.

7. Learned counsel for respondent -insurer would contend that deduction at 1/2 towards personal expenses of the deceased is just and proper. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement.



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

9. The accident occurred on 21.06.2024. As on the date of accident, the claimant was aged 54 years. Considering the same, the Tribunal has rightly applied multiplier '11'. The notional income fixed for the year 2024 by the Karnataka State Legal Services Authority is Rs.17,000/- and same is to be taken as against Rs.16,500/- as taken by the Tribunal. The Tribunal has rightly added 10% towards future prospects and applied multiplier '11'. The Tribunal has deducted 50% towards personal expense of the deceased. The claimant is wife and the deceased was married man having wife. The deduction at 50% is to be taken in the cases where the deceased was bachelor. Considering the said aspect, the deduction is to be taken at $\frac{1}{3}^{\text{rd}}$ as against 50% as taken by the Tribunal. In view of the above, loss of dependency is calculated as under:



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$\text{Rs.}17,000/- + \text{Rs.}1700/- (10\%) = \text{Rs.}18,700/-$ less
 $1/3^{\text{rd}} = \text{Rs.}12,467/- \times 12 \times 11 = \text{Rs.}16,45,644/-$.

10. The Tribunal has not taken into consideration of 20% escalation while awarding loss of estate. The Tribunal has rightly added 20% escalation for funeral expenses and consortium. Therefore, the claimant is entitled to a sum of Rs.18,000/- (with 20% escalation) towards loss of estate as against Rs.15,000/- as awarded by the Tribunal.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of Dependency	16,45,644/-
02.	Loss of consortium	48,000/-
03.	Loss of Estate	18,000/-
04.	Funeral and Transportation	18,000/-
Total		17,29,644/-

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.17,29,644/- as against Rs.12,78,900/- with interest at the rate of 6% per annum from the date of petition till realization.



Consequently, the claimant is entitled to enhanced compensation of Rs.4,50,744/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent is liable to pay the said enhanced compensation with interest.

13. 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.4,50,744/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) The respondent shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.



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- iv) The appellant -claimant is entitled to release
of entire enhanced compensation.

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

DSP
List No.: 2 Sl No.: 13
Ct.sm