



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.543/2020 (MV-D)

BETWEEN:

1. SMT. REKHA R.S.
W/O LATE RAJENDRA A. SURYAVANSHI
AGED ABOUT 43 YEARS.
2. ARPITHA R. SURYAVANSHI
D/O LATE RAJENDRA A. SURYAVANSHI
AGED ABOUT 24 YEARS.
3. AVINASH R. SURYAVANSHI
W/O LATE RAJENDRA A. SURYAVANSHI
AGED ABOUT 22 YEARS.

ALL ARE R/AT NO.39, 2ND FLOOR
IN FRONT OF POOJA KALYANA MANTAPA
VRUSHABAVATHINAGAR, KAMAKSHIPALYA
BENGALURU 560079.

...APPELLANTS

(BY SRI. S. JAGAN BABU, ADV.,)

AND:

1. M/S. ROYAL SUNDARAM ALLIANCE
INSURANCE CO. LTD.,
VISHRANTHI MELARAM TOWERS
NO.2/319, RAJIV GANDHI SALAI

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:28862-DB
M.F.A. No.543/2020

(OMR), KARAPAKKA
CHENNAI 560078.

2. SRI. SHIVA .A
S/O LATE ANKAIAH
AGED ABOUT 54 YEARS
R/AT NO.1038, 2ND MAIN, M C LAYOUT
VIJAYANAGAR, BENGALURU 560040.

...RESPONDENTS

(BY SRI. C.R. RAVISHANKAR, ADV., FOR R1
V/O DTD:3/1/22, NOTICE TO R2 D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, 1988,
AGAINST THE JUDGMENT AND AWARD DT.19.07.2019 PASSED
IN MVC NO.8184/2016 ON THE FILE OF THE IX ADDITIONAL
SMALL CAUSES JUDGE AND XXXIV ACMM, COURT OF SMALL
CAUSES, MEMBER, MACT-7, BENGALURU, (SCCH-7), 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 JAYANT BANERJI
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed by the claimant seeking
enhancement of compensation being aggrieved by the
judgment and award dated 19.07.2019 passed in MVC



No.8184/2016 by the IX Additional Small Causes and Additional MACT, Bengaluru (for short, 'Tribunal').

2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. The brief facts leading to the filing of this appeal are that on 16.05.2016 at about 10.31 P.M, the deceased Rajendra A Suryavanshi was riding a motor cycle bearing registration No.KA-02-JA-8666 near New Public English School on Vijaynagara to Nagarbhavi Main Road. At that time, the driver of Maruthi Swift VDI Car bearing registration No.KA-02-MH-2331 came from the opposite direction in a rash and negligent manner and dashed to the motorcycle. The deceased suffered grievous injuries and succumbed to those injuries. The wife and children of the deceased filed a claim petition in M.V.C.No.8184/2016, which came to be party allowed and the Tribunal granted



compensation of Rs.11,45,000/-. Being aggrieved, the appellants are in appeal seeking for higher compensation.

4. Sri.S.Jagan Babu, learned counsel for the appellants submits that the Tribunal has erred in assessing the income of the deceased and the same is required to be re-assessed by considering the bank statements at Ex.P8 as well as VAT return form at Ex.P10 as the deceased was earning Rs.1,50,000/- to Rs.2,00,000/- per month from his business. It is further submitted that the Tribunal has committed an error in deducting 50% of the income towards the personal and living expenses of the deceased. Hence, he seeks to allow the appeal by enhancing the compensation.

5. *Per contra*, Sri.C.R.Ravishankar, learned counsel for respondent No.1 supports the impugned judgment and award of the Tribunal and submits that the Tribunal has rightly assessed the income at Rs.10,000/- per month. It is submitted that the appellants cannot rely



on the bank statement as it may vary from month to month as the deceased was carrying out interior work for different customers and they would have paid the amount to purchase the material for interior work and such entry in the bank statement cannot be considered as the income of the deceased. It is further submitted that the award of compensation by the Tribunal is just and proper. Hence, he seeks to dismiss the appeal.

6. We have heard the arguments of the learned counsel for the appellants, learned counsel for the respondent No.1 and meticulously perused the material available on record including the Tribunal records.

7. The only point that would arise for consideration in this appeal is:

"Whether the impugned judgment and award passed by the Tribunal calls for any interference?"



8. The aforesaid point is answered in the affirmative for the following reasons:

a) On 16.05.2016 at about 10.31 P.M, the deceased Rajendra A Suryavanshi was riding a motor cycle bearing Registration No.KA-02-JA-8666 near New Public English School on Vijayanagara to Nagarbhavi Main Road. At that time, the driver of Maruthi Swift VDI Car bearing registration No.KA-02-MH-2331 came from the opposite direction in a rash and negligent manner and dashed to the motorcycle. The deceased suffered grievous injuries and succumbed to those injuries. The appellants i.e wife and children of the deceased filed a claim petition before the Tribunal. The respondents have filed objections opposing the claim petition. The appellant No.1 examined herself as PW-1 and got marked Exs.P1 to P20. The respondents examined RW-1 and got marked Exs.R1 and R2. The Tribunal, on appreciation of the evidence on record partly allowed the claim petition by awarding total compensation Rs.11,45,000/- with interest at 6% per



annum from the date of petition till the date of realization of the amount.

b) It is contended that the deceased was aged about 44 years and was running a business as a proprietor under the name and style of M/s. Rajalakshmi Enterprises Super-tech Interiors. It is further contended that the deceased used to earn Rs.1,50,000/- to Rs,2,00,000/- per month. In order to substantiate the vocation and income of the deceased, PW-1 has deposed and also got marked Ex.P8-Bank Statement, Ex.P9-VAT registration certificate, Ex.P10- VAT return forms, Ex.P14 – PAN card of the deceased and Ex.P16-TDS Certificate for the year 2010-11 to 2016-17. The Tribunal considered the oral and documentary evidence and declined to accept the contention that the deceased used to earn Rs.1,50,000/- to Rs.2,00,000/- per month.

c) On reappraisal of the oral and documentary evidence on record, we are of the considered view that



Ex.P8-Bank Statement cannot be a proof of income though it may be a proof for deposit of the amount. Ex.P9- VAT registration certificate, which indicates that M/s. Rajalakshmi Enterprises Super-tech Interiors is registered under the provisions of Karnataka Value-Added Tax Act, 2003 and similarly Ex.P10- VAT return forms also do not indicate the actual income of the deceased. Whereas, Ex.P14 – PAN card of the deceased and Ex.P16-TDS Certificate for the year 2010-11 to 2016-17 are not conclusive proof to come to a conclusion that the deceased was earning Rs.1,50,000/- or 2,00,000/- per month as contended by the appellants.

d) Therefore, in the absence of cogent evidence, we are of the view that the Tribunal was fully justified in assessing the income of the deceased at Rs.10,000/- by adding 25% towards loss of future prospects. It is noticed that the Tribunal has rightly considered the age of the deceased and applied the multiplier as 13, however, it has erred in deducting 50% of the assessed income of the



deceased towards personal and living expenses and the appropriate deduction would be $\frac{1}{3}^{\text{rd}}$ as the dependants are three in number. The appellants would be also entitled to 10% escalation on the award of compensation under the head of loss of consortium, loss of estate and funeral expenses and transportation of dead body. Hence, the compensation is re-assessed as under:

HEADS	AMOUNT (in Rs.)
Loss of dependency (10,000/- + 25% x 12 x 13 - $\frac{1}{3}$)	13,00,000/-
Loss of consortium (44,000x3)	1,32,000/-
Transportation of dead body & funeral expenses	16,500/-
Loss of estate	16,500/-
Total	14,65,000/-

Thus, the appellants-claimants shall be entitled to a total compensation of **Rs.14,65,000/-** as against Rs.11,45,000/- awarded by the Tribunal.

9. In the result, this Court proceeds to pass the following:



ORDER

- a) The appeal is ***allowed in part.***
- b) The impugned judgment and award dated 19.07.2019 passed by the Tribunal in M.V.C.No.8184/2016 is modified to an extent that the appellants-claimants would be entitled to total compensation of **Rs.14,65,000/-** as against Rs.11,45,000/- awarded by the Tribunal.
- c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.
- d) The respondent-Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of the certified copy of this judgment.



- e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- f) Registry shall transmit the records to the Tribunal forthwith.

Draw the modified award accordingly.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**