



CNR: KAHC010464952015

NC: 2026:KHC:41951
MFA No. 8636 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.8636 OF 2015 (MV-D)

BETWEEN:

1. SMT. RATHNAMMA
SINCE DEAD BY LRS.
DELETED VIDE ORDER DATED 15.12.2022

2. SRI. R. VENKATESH
S/O. LATE RAMASWAMY,
AGED ABOUT 40 YEARS,

3. SRI. R. NAGARAG
S/O. LATE RAMASWAMY,
AGED ABOUT 37 YEARS,

4. SRI. R. VENUGOPAL
S/O. LATE RAMASWAMY,
AGED ABOUT 32 YEARS,

ALL ARE R/AT KSRTC COLONY,
ANEKAL TOWN AND TALUK,
BANGALORE URBAN DISTRICT - 560 106.

...APPELLANTS

(BY SRI. VENKATACHALAPATHI S.K., ADVOCATE)

AND:

1. TATA AIG INSURANCE (N.SURE PLUS)
NO.69, 2ND FLOOR, MILLER ROAD,
J.P. AND DEVI JAMBUKESHWAR ARCADE,

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI
Location: High
Court of
Karnataka



CNR: KAHC010464952015

NC: 2026:KHC:41951
MFA No. 8636 of 2015

BANGALORE - 560 052.

2. M/S. BHAVANI ENTERPRISES
NEW PET, GANDHI CIRCLE,
ANEKAL TOWN AND TALUK,
BANGALORE DISTRICT - 560 106.

...RESPONDENTS

(BY SRI. K KISHOR KUMAR REDDY, ADVOCATE FOR R1;
R2 - SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17.04.2015 PASSED IN MVC NO.168/2013 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE, MACT, BANGALORE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellants under Section 173(1) of the Motor Vehicles Act, 1988, challenging the judgment and award dated 17.04.2015 passed in MVC No.168/2013, by the I Additional Small Causes Judge and Motor Accident Claims Tribunal, Bangalore (SCCH-11), ('the Tribunal' for short), seeking to set aside the said judgment and award.



2. Ramaswamy, S/o Late Venkataramanappa, met with an accident on 26.09.2012. His wife and children filed a claim petition seeking compensation of Rs.10,00,000/-. The Tribunal, after considering the entire evidence on record, awarded a sum of Rs.3,09,976/- with interest at the rate of 6% per annum from the date of the petition till realization.

3. Aggrieved by the said judgment and award, the appellants preferred this appeal. During the pendency of the appeal, the deceased's wife died, and her legal representatives were already on record. It is contended that the Tribunal has awarded a meager amount of compensation. The deceased, Ramaswamy, was a retired KSRTC conductor. He was receiving pension and was also running a petty shop, from which he was earning an income of Rs.8,000/- per month. It is contended that the Tribunal granted meager amounts and not granted any amount under the head of loss of dependency. Therefore,



CNR: KAHC010464952015

NC: 2026:KHC:41951
MFA No. 8636 of 2015

the appellants requested enhancement of the compensation.

4. Heard the arguments of the learned counsel for the appellant and the learned counsel for respondent No.2/Insurance Company. Notice to respondent No.2 has been served and remained unrepresented.

5. Learned counsel for respondent No.2-Insurance Company argued that the deceased was a pensioner and that his wife was receiving pension after his death, as such, there was no loss of income. It was further argued that the other claimants were major children and there was no evidence to show that they were residing with their father at the time of the accident or were dependent upon him. As such, the Tribunal was justified in not awarding any amount under the head of loss of dependency, and the judgment and award passed by the Tribunal does not call for interference.

6. Ramaswamy was aged 65 years as on 26.09.2012. While he was crossing the road, the rider of a



CNR: KAHC010464952015

motorcycle bearing registration No.KA-51-Y-4510 came in a rash and negligent manner and dashed against him. As a result, he sustained grievous injuries. He was shifted to the hospital and subsequently died on 26.10.2012. His wife and three children filed the claim petition.

7. It is stated that, after his retirement, he was running a petty shop and earning Rs.8,000/- per month, but no documentary evidence has been produced to establish his income. Since the accident occurred in the year 2012, this Court finds it just and reasonable to take his notional income at Rs.7,000/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 65 years, and the relevant multiplier is '7'.

8. Admittedly, his wife alone was dependent on him, whereas appellant Nos.2 to 4 were major children and were not dependent upon him. Therefore, one-third of the income has to be deducted towards his personal expenses. Since he was aged more than 60 years, he is



CNR: KAHC010464952015

not entitled to any amount towards future prospects. Accordingly, the loss of dependency is calculated as follows: $\text{Rs.}7,000/- \times 12 \times 7 - 1/3\text{rd}$ (Rs.1,96,000/-) = Rs.3,92,000.

9. The first appellant-wife of the deceased is entitled to Rs.40,000/- towards spousal consortium. Appellant Nos.2 to 4, being the children of the deceased are entitled to Rs.40,000/- each towards parental consortium. Further, a sum of Rs.30,000/- is awarded under the conventional heads.

10. Thus, the claimants are entitled to the following compensation:

Compensation under different heads	Amount in (Rs.)
Loss of dependency	3,92,000/-
Loss of Parental consortium (40,000X3)	1,20,000/-
Conventional heads	30,000/-
Total	5,42,000/-



CNR: KAHC010464952015

11. In summary, the appellants/claimants are entitled to a total compensation of Rs.5,42,000/- as against Rs.3,09,976/- awarded by the Tribunal. The enhanced compensation is Rs.2,32,024/-. To this extent, the judgment and award passed by the Tribunal stands modified.

12. In the result, the following order is passed:

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 17.04.2015 passed in MVC No.168/2013, by the I Additional Small Causes Judge and Motor Accident Claims Tribunal, Bangalore (SCCH-11), is hereby modified.
- iii. The appellants-claimants are entitled to enhanced compensation of Rs.2,32,024/- (Rs.5,42,000/- minus Rs.3,09,976/-) along with interest at the rate of 6% p.a. from the date of petition till realization.



**NC: 2026:KHC:41951
MFA No. 8636 of 2015**

CNR: KAHC010464952015

- iv. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance Company is directed to deposit enhanced compensation of Rs.2,32,024/- with interest rate of 6% within one month from the date of this order.
- v. As the first appellant/wife of the deceased has died during the pendency of the appeal, the other appellants/legal representatives are permitted to withdraw enhanced compensation amount with accrued interest in equal proportion.

**Sd/-
(P SREE SUDHA)
JUDGE**

TMP
List No.: 1 Sl No.: 40