



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.6154 OF 2023(MV-D)

BETWEEN:

1. SUNANADA,
W/O LATE SHIVANNA,
AGED ABOUT 32 YEARS,
2. KOWSHIK K .S.,
S/O LATE SHIVANNA,
AGED ABOUT 14 YEARS,
3. KRUTHIK K.S.,
S/O LATE SHIVANNA,
AGED 11 YEARS,
4. RANGASWAMY,
S/O LATE THIMMAIAH,
AGED 72 YEARS,
5. JAYAMMA,
W/O RANGASWAMY,
AGED 65 YEARS,

SINCE APPELLANT 2 AND 3 ARE,
MINORS- REPRESENTED BY THEIR
NATURAL GUARDIAN-MOTHER
1ST APPELLANT-SUNANDA,

ALL ARE R/O KONDAJJI VILLAGE,
SALAGAME HOBLI,
HASSAN TALUK,
HALSSAN DISTRICT - 573 201.

...APPELLANTS

(BY SRI. MAHESH A.M., ADVOCATE FOR
SMT. KAVITHA H C., ADVOCATE)

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



AND:

1. MALLESHGOWDA S.H.,
S/O HALAGEEGOWDA S.H.,
E-600, KRISHNA LAYOUT,
HULIMAVU, B.G.ROAD,
BANGALORE – 560 076.
(OWNER OF CAR BEARING
REG. NO. KA-02-AD-3389)
2. THE MANAGER,
AKO GENERAL INSURANCE CO. LTD.,
UNIT NO. 301, 302, F-WING,
3RD FLOOR, LOTUS CORPORATE PARK,
GOREGAON NORTH, MUMBAI - 400 063.

...RESPONDENTS

(BY SRI. PRADEEP B.,ADVOCATE FOR R2,
NOTICE TO R1 DISPENSED WITH)

THIS MFA FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:15.07.2023
PASSED IN MVC NO.1832/2021 ON THE FILE OF THE II
ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT,
HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

This appeal is by the claimants seeking enhancement of compensation, arising out of the judgment and award dated 15.07.2023 in MVC.No.1832/2021 on the file of II Additional District and Sessions Judge and Motor Accident Claims Tribunal, Hassan¹.

2. The Tribunal by means of judgment and award stated supra granted a total compensation of Rs.24,40,000/- together with interest at the rate of 6% per annum from the date of petition till realization.

3. The parties are referred to as per their ranking before the Tribunal.

4. Heard Sri.Mahesh.A.M, learned counsel for Smt.Kavitha.H.C, learned counsel appearing for appellants and Sri.Pradeep.B, learned counsel for respondent No.2. Vide order dated 03.07.2024, notice of this appeal to respondent No.1 is dispensed with.

¹ "Tribunal for short"



5. The date of accident, involvement of vehicle and injury suffered are not in dispute. The only ground on which Sri.Mahesh.A.M, argued this matter is that the deceased was the only son and the family is in possession of 38 guntas of land, which is admittedly standing in the name of father of the appellant No.4-Rangaswamy, where the deceased was carrying on agricultural operation and earning Rs.35,000/-. The Tribunal has considered the income at Rs.15,000/- in respect of the accident which has occurred in the year 2021.

6. Learned counsel further submits that though as per the chart prepared by the Karnataka State Legal Services Authority, the income fixed in respect of unskilled labour is Rs.15,000/-, which is also considered by the Tribunal, a person who is possessing 38 guntas of land cannot be equated with unskilled labour. Accordingly, he sought to reassess the income at Rs.35,000/-. Further, the compensation awarded under the head loss of consortium is on lower side, as the deceased survived by totally five



dependents. In view of settled position of law, claimants are also entitled to 10% escalation on the compensation awarded on conventional heads since 2017 for every three completed years and sought to allow the appeal and enhance the compensation.

7. In contrast, Sri.Pradeep.B, learned counsel for respondent No.2-Insurer submits that in the absence of any documents in respect of proof of income so also the fact that the land was standing in the name of the father of appellant No.4, the Tribunal has considered the income at Rs.15,000/- which is just and proper and awarded appropriate compensation. As such, the same does not require any interference at the hands of this Court and accordingly, sought to dismiss the appeal.

8. Having considered the rival submissions, this Court find some force in the arguments addressed by Sri.Mahesh.A.M, learned counsel that a person who is a farmer possessing 38 guntas of land, cannot be equated with an unskilled labour. In the absence of any proof



regarding income generated from the land, instead of taking Rs.15,000/- under the award and Rs.35,000/- as claimed by the claimants, if Rs.17,000/- is considered, the same would meet the ends of justice. Accordingly, the income is considered at Rs.17,000/-.

9. A perusal of the award indicate that the Tribunal has awarded only Rs.44,000/- compensation under the head consortium and failed to consider the same to the other claimants, as there are 5 claimants survived the deceased. They are also entitled for loss of consortium in terms of settled position of law.

10. In that view of the matter, the compensation awarded under the head loss of dependency is required to be reconsidered in view of taking higher income also considering the income awarded under other heads, so also considering 10% escalation on the compensation awarded under the conventional heads.



11. Accordingly, this Court proceed to reassess the compensation awarded by the Tribunal as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	23,62,416-00	26,77,500-00 [17,000+25% $\times$ 12 $\times$ 14 $\times$ 3/4]
2.	Loss of estate	16,500-00	15,000-00
3.	Funeral expenses	16,500-00	15,000-00
4.	Loss of consortium	44,000-00	2,00,000-00 [40,000 $\times$ 5]
2.	20% escalation for two terms of three completed years on conventional heads	-	46,000-00
	TOTAL	24,40,000-00	29,53,500-00

2. On re-assessment, the claimants are entitled for enhanced compensation of Rs.**5,13,500/-** (Rs.29,53,500-24,40,000), which shall carry interest at the rate of 6% per annum from the date of petition till realization.

3. For the foregoing reasons, this Court proceeds to pass the following:



ORDER

- i) The appeal is ***allowed-in-part***;
- ii) The judgment and award dated 15.07.2023 in MVC.No.1832/2021, passed by the Tribunal, is modified and enhanced to Rs.**5,13,500/-** with interest at the rate of 6% per annum from the date of petition till realization;
- iii) Respondent No.2-Insurer shall deposit the entire enhanced compensation amount of Rs.**5,13,500/-** along with interest at 6% per annum, within six weeks from the date of receipt of a copy of this order.
- iv) Upon deposit of the entire enhanced compensation amount, a sum of Rs.2,50,000/- each shall be kept in any interest bearing FDR in the name of minor children till they attain the age of majority and the balance amount shall be released



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in favour of the claimants i.e., wife and
parents as per the apportionment order
passed by the Tribunal on proper
identification.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 14
ct-vn