



CNR: KAHC010478972025

NC: 2026:KHC:47070
MFA No. 5415 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5415 OF 2025

(MV-D)

BETWEEN:

1. SMT. GURUMALLAMMA
W/O. LATE GURUSIDDAPPA
AGE : 51 YEARS
RESIDING AT
KAMARAHALLI VILLAGE
BEGUR HOBLI, GUNDLUPET TALUK
PIN-571 111.
2. MR. RAJESH
S/O LATE GURUSIDDAPPA
AGE: 32 YEARS.
RESIDING AT
KAMARHALLI VILLAGE
BEGUR HOBLI
GUNDLUPET TALUK
PIN-571 111.

...APPELLANTS

(BY SRI NAGARAJA R C, ADVOCATE)

AND:

1. MR MOHAN S
S/O SRINIVAS REDDY
AGE: MAJOR.
R/AT No.102, SIDDI REDDY


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



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LAYOUT, TVS GOWDOWN BACK
KUDULU VILLAGE, MADIWALA POST
ANEKAL TALUK
BANGALORE - 560 068.

2. NATIONAL INSURANCE COMPANY LIMITED
BANGALORE DIVISION
XI 86/20, 2ND FLOOR
AIRPORT ROAD, MARATHAHALLI
BANGALORE--560 037.
BRANCH OFFICE DIVISIONAL MANAGER
NATIONAL INSURANCE COMPANY LIMITED
SRI SRINIVASA PLAZA , ADI CHUNACHANAGIRI
MAIN ROAD, 5TH STAGE, KUVEMPUNAGARA
MYSORE - 570 001.

...RESPONDENTS

(BY SMT. GEETHARAJ, ADVOCATE FOR R2
V/O DTD. 13.08.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:18.02.2025
PASSED IN MVC No.288/2019 ON THE FILE OF THE COURT OF
THE SENIOR CIVIL JUDGE AND JMFC, MACT, GUNDLUPET,
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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellants/claimants
seeking enhancement of compensation awarded in
judgment and award dated 18.02.2025 passed in MVC



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No.288/2019 by the Senior Civil Judge and MACT,
Gundlupet.

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 respondent No.2/insurer.

3. The appellants made a claim petition praying to award compensation for the death of Gurusiddappa in a road traffic accident occurred on 05.07.2019 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-51-MG-8037. 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.	Towards loss of dependency	8,71,200/-
02.	Loss of spousal consortium to the petitioner	44,000/-
03.	Towards transportation of dead body and funeral expenses	16,500/-



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04.	Towards loss of estate	16,500/-
	Total	9,48,200/-

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 claimants seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellants and learned counsel for respondent No.2/insurer.

6. Learned counsel for appellants would contend that deceased was an agriculturist and income taken by the Tribunal at Rs.11,000/- is on lower side. The Tribunal has rightly taken 10% future prospects, deducted 1/3rd towards personal expenses of deceased and applied multiplier '9'. She further submits that the Tribunal has awarded consortium in a sum of Rs.44,000/- to first claimant and not awarded consortium to the second claimant. The second claimant being the son of the



deceased is also entitled to consortium. With this she 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.

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

9. The accident occurred on 05.07.2019 and as on the date of the accident the deceased was aged 56 years. Considering the said aspect, the Tribunal has rightly applied multiplier '9'. The Tribunal has taken income at Rs.11,000/- p.m. Even though it is contended that the deceased was an agriculturist but no document in that regard has been placed on record. Considering the said aspect, the notional income fixed by the Karnataka State Legal Services Authority for the year 2019 is Rs.14,000/- and the same is to be taken as against Rs.11,000/- taken



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by the Tribunal. The Tribunal has rightly added 10% future prospects, deducted $1/3^{\text{rd}}$ towards personal expenses and applied multiplier '9'. In view of the above, the loss of dependency is calculated as under:

$$\text{Rs.}14,000 + 1,400(10\%) = \text{Rs.}15,400 - 1/3 = \text{Rs.}10,267/-$$

$$\text{Rs.}10,267 \times 12 \times 9 = \text{Rs.}11,08,836/-$$

10. The claimants are the wife and son of deceased and they are entitled to loss of consortium of Rs.40,000/- each. The Tribunal has only awarded spousal consortium in a sum of Rs.44,000/-. Since the claimants are wife and son of deceased, they are entitled to consortium in a sum of Rs.40,000/- each, i.e. Rs.80,000/-. The Tribunal has taken escalation on conventional heads. The accident has taken place in the year 2019 and the escalation cannot be taken into consideration. Therefore, the claimants are entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	11,08,836/-
02.	Loss of consortium	80,000/-



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03.	Funeral expenses	15,000/-
04.	Loss of estate	15,000/-
	Total	12,18,836/-

11. Considering the above aspects, the claimants are entitled to total compensation of Rs.12,18,836/- as against Rs.9,48,200/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimants are entitled to enhanced compensation of Rs.2,70,636/- 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 appellants/claimants are entitled to enhanced compensation of Rs.2,70,636/- with interest @ 6% p.a. from the date of petition till realization.



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- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellants/claimants are entitled to release of entire enhanced compensation in the ratio of 60:40.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 43
Ct.sm