



CNR: KAHC010483642026

NC: 2026:KHC:43312
MFA No. 5284 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5284 OF 2026 (MV-D)

BETWEEN:

1. SMT. K. SARASWATHI
W/O K. MURAHARI REDDY,
AGED ABOUT 55 YEARS,
R/AT C.D. KANDRIGA,
TIRUMALAKONDAMAMBAGARIPETA,
CHINNADORAVARIKANDRIGA,
CHITTOOR, ANDHRAPRADESH - 517 582.
2. SMT. KALAVATHI VALLIVETI,
C/O JAYAKUMAR VALLIVETI,
AGED ABOUT 49 YEARS,
R/AT NO.1152, 2ND BLOCK,
BDA LAYOUT, JAMBUSAVARI DINNE,
J. P. NAGAR, 8TH PHASE,
NEW COLUMBIA COLLEGE, GOTTIGERE,
BENGALURU - 560 083.

...APPELLANTS

(BY SRI. P. MAHADEVASWAMY, ADVOCATE)

AND:

1. S.M.T ENTERPRISES
NO 17, BANNERGHATTA ROAD,
KEMBATHAHALLI, GOTTIGERE,
BENGALURU SOUTH,
BENGALURU - 560 083,
BY ITS MANAGER.


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



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2. THE MANAGER,
CHOLAMANDALAM MS GEN. INS. CO. LTD,
UNIT-IV, 9TH FLOOR, (LEVEL-06),
GOLDEN HEIGHTS COMPLEX,
59TH 'C' CROSS, INDUSTRIAL SUBURB,
RAJAJINAGAR 4TH M BLOCK,
BENGALURU - 560 010.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDYN.A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 27.07.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED. 01.12.2025 PASSED IN MVC
NO. 8490/2024 ON THE FILE OF THE VII ADDL. SCJ AND ACJM,
MEMBER , MACT -3, BENGALURU., 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 claimants seeking
enhancement of compensation awarded in the Judgment
and Award dated 01.12.2025 passed in MVC



No.8490/2024 by VII Additional Small Causes Judge and ACJM and Member, MACT-3, Bengaluru.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellants and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of J. Aadi Lakshmi in a road traffic accident occurred on 12.08.2024 contending that the accident occurred due to rash and negligent driving by the driver of BBMP Lorry bearing registration No.KA-51-AG-2092.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:



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Sl. No.	Particulars	Amount
1.	Loss of dependency (After deducting 1/3 rd of the income towards personal and living expenses)	Rs. 6,60,000/-
2.	Loss of parental consortium (For petitioners No.1 and 2)	Rs. 80,000/-
3.	Loss of estate	Rs. 18,150/-
4.	Towards transportation of dead body and funeral expenses	Rs. 18,150/-
	Total	Rs. 7,76,300/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimants have filed the present appeal seeking enhancement of compensation.

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

7. Learned counsel for the appellant would contend that, the Tribunal has taken the notional income



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at Rs.16,500/-, but as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken. The Tribunal has rightly deducted 1/3rd towards personal expenses and applied multiplier '5' since the deceased was aged sixty nine (69) years. He further submits that, even though the Tribunal has awarded loss of consortium, the Tribunal has not added escalation at 20%. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the compensation awarded on all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellants/claimants and learned counsel for respondent



No.2/insurer, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 12.08.2024 and as on the date of accident, the deceased was aged sixty nine (69) years. The claimants are daughters of the deceased. The Tribunal has taken the notional income at Rs.16,500/-, but as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken. The Tribunal has rightly deducted $1/3^{\text{rd}}$ towards personal expenses of the deceased and applied multiplier '5' since the deceased was aged sixty nine (69) years. In view of the same, loss of dependency is calculated as under:

$$\text{Rs.17,000/-} - 1/3^{\text{rd}} = \text{Rs.11,333/-} \times 12 \times 5 = \text{Rs.6,79,980/-}$$

11. Even though the Tribunal has awarded loss of consortium to each of them, but has not added escalation



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at 20%. The escalation at 20% is to added for loss of consortium as per the decision of Hon'ble Apex Court in the case of **NATIONAL INSURANCE COMPANY vs. PRANAY SETHI AND OTHERS** reported in **AIR 2017 SC 5157**. Therefore, the claimants are entitled to loss of consortium in a sum of Rs.96,000/- (Rs.48,000/- X 2).

12. The compensation awarded under other heads is just and proper.

13. Considering all the above aspects, the claimants are entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 6,79,980/-
2.	Loss of parental consortium	Rs. 96,000/-
3.	Loss of estate	Rs. 18,150/-
4.	Towards transportation of dead body and funeral expenses	Rs. 18,150/-
	Total	Rs. 8,12,280/-



14. The claimants are entitled to total compensation of Rs.8,12,280/- as against Rs.7,76,300/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

15. Consequently, the claimants are entitled to enhanced compensation of Rs.35,980/- (Rs.8,12,280/- - Rs.7,76,300/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellants/claimants are entitled to enhanced compensation of Rs.35,980/- with interest at the rate of 6% per annum from the date of petition till realisation.*



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- iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) The appellants/claimants are entitled to release of entire enhanced compensation with interest in equal share.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 SI No.: 67