



CNR: KAHC010489492026

NC: 2026:KHC:46016
MFA No. 5309 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5309 OF 2026 (MV-D)

BETWEEN:

1. PRABHAVATHI
W/O. PRASADA.K.B
AGED ABOUT 47 YEARS
2. NANDINI.P
D/O. LATE PRASADA.K.B
W/O.CHANDRA SHEKARA.H.K
AGED ABOUT 26 YEARS
3. RAMYA.K.P
D/O. LATE PRASADA.K.B
AGED ABOUT 24 YEARS
4. JEEVAN.P
D/O. LATE PRASADA.K.B
AGED ABOUT 19 YEARS

ALL ARE RESIDING AT:
NO.15, KALASHETTY PURA,
HUNASANA HALLI, KANAKAPURA,
RAMANAGAR.

...APPELLANTS

(BY SRI. SREENIVASIAH A, ADVOCATE)

AND:

1. Y.C. SHANKAR NARAYANA REDDY
PROP. SHANKAR TOURS AND TRAVELS

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



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NO.36, RCR LAYOUT,
YADAVANAHALLI, ATTIBELE, ANEKAL,
BENGALURU-562 107.

SINCE DEAD HIS LR'S ARE

1(A) N.RATHNAMMA
W/O. Y.C. SHANKAR NARAYANA REDDY
AGED ABOUT 71 YEARS

1(B) Y.S. MANJUNATH
S/O. Y.C. SHANKAR NARAYANA REDDY
AGED ABOUT 46 YEARS

BOTH ARE RESIDING AT:
NO.36, RCR LAYOUT,
YADAVANAHALLI, ATTIBELE, ANEKAL,
BENGALURU-562 107.

2. THE MANAGER,
THE NEW INDIA ASSURANCE CO. LTD.,
NO.9/2, 2ND FLOOR,
MAHALAKSHMI CHAMBERS,
M.G.ROAD,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE FOR R2;
V/O DATED 28.07.2026, NOTICE TO R1(A & B) ARE
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 03.01.2026 PASSED IN MVC
NO.165/2024 ON THE FILE OF THE XXI ADDITIONAL SMALL
CAUSES JUDGE AND ACJM, MEMBER, MACT, BENGALURU
(SCCH-23), 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:



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CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 03.01.2026 passed in MVC No. 165/2024 by the XXI Additional Small Cause Judge and MACT, Bengaluru, (SCCH-23).

2. Even though the appeal is listed for admission today, with the consent of the learned counsel appearing for appellants – claimants and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Appellants – claimants made a claim petition praying to award compensation for the death of Prasada in a road traffic accident that occurred on 12.12.2023 due to the rash and negligent driving by the driver of bus bearing registration No. KA-51-C-4064. Claimant No. 1 is the wife of the deceased and claimant Nos. 2 - 4 are the daughters of the deceased. The Tribunal after recording



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evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards loss of dependency	Rs.14,25,600.00
2	Towards loss of consortium to the petitioner No.1	Rs.48,400.00
3	Towards loss toe state	Rs.18,150.00
4	Towards transportation of dead body funeral and obsequies ceremony expenses	Rs.18,150.00
5	Towards loss of Filial consortium to petitioner No.2 to 4	Rs.1,20,000.00
	Total	Rs.16,30,300.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimants seeking enhancement of the compensation awarded, have filed the present appeal.



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5. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 2 – Insurer.

6. Learned counsel for appellants would contend that the deceased was having Driving License to drive transport vehicle and it is at Ex.P.18. Considering the same, income of the deceased is to be taken higher than the notional income. The Tribunal has rightly added 10% towards future prospects, deducted 1/4th towards the personal expenses of the deceased and applied multiplier 9. He further submits that the Tribunal has not considered escalation while awarding consortium to claimant Nos. 2 to 4. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2 – Insurer would contend that the compensation awarded by the Tribunal under all heads is just and proper and there are no grounds for enhancement of the compensation. He further submits that even though the deceased had driving



license to drive transport vehicle, the claimants have not placed on record what was the earning of the deceased. With this he prayed for dismissal of the appeal.

8. Having heard learned counsel for the parties, this Court has perused the judgment, award and other materials placed on record.

9. The accident occurred on 12.12.2023. As on the date of accident the deceased was aged 56 years. The Tribunal has taken notional income of the deceased at Rs.16,000/-. Ex.P.18 is the driving license of the deceased. The deceased was having driving license to drive transport vehicle. Considering the said aspect, income of the deceased is to be taken higher than the notional income fixed for the unskilled labour. Therefore, income of the deceased is to be taken at Rs.20,000/-. The Tribunal has rightly added 10% towards future prospects, deducted 1/4th towards personal expenses of the deceased



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and applied multiplier 9. Therefore, loss of dependency is calculated as under:

$$20,000 + 2,000 (10\%) = \text{Rs.}22,000/-$$

$$22,000 - 5,500 (1/4^{\text{th}}) = \text{Rs.}16,500/-$$

$$16,500 \times 12 \times 9 = \text{Rs.}17,82,000/-$$

10. The Tribunal has awarded consortium to claimant No. 1 by taking escalation at 20%. The Tribunal while awarding consortium to claimant Nos.2 to 4 has not taken 20% escalation. All the claimants are entitled to consortium in a sum of Rs.40,000/- with 20% escalation, i.e. Rs.48,000/-. Claimants are entitled total consortium in a sum of Rs.1,72,000/- (48,000 X 4).

11. The Tribunal has rightly awarded Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.

12. In view of the above, claimants are entitled to total compensation under various heads as under:



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1	Loss of dependency	Rs.17,82,000.00
2	Loss of estate	Rs.18,150.00
3	Funeral expenses	Rs.18,150.00
4	Loss of consortium	Rs.1,72,000.00
	Total	Rs.19,90,300.00

13. Considering the above aspects claimants are entitled to total compensation of Rs.19,90,300/- as against Rs.16,30,300/- awarded by the Tribunal. Consequently, claimants are entitled to enhanced compensation of Rs.3,60,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellants - claimants are entitled to enhanced compensation of Rs.3,60,000/- with interest at the



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rate of 6% p.a. from the date of petition till the date of realization.

c) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

d) Appellants – claimants are entitled to release of entire enhanced compensation in the ratio of 40 : 20 : 20: 20.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
CT:SM
List No.: 1 Sl No.: 45