



CNR: KAHC010495472026

NC: 2026:KHC:46015
MFA No. 5362 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. 5362 OF 2026 (MV-D)

BETWEEN:

KUM. N. GOWRAMMA
AGED ABOUT 19 YEARS.
D/O. LATE NAGAPPA,
R/O. KANAKOPPAHOSURU,
THATHURU, TATTURU,
SORABA TALUK-577429
PRESENTLY R/AT SRI RAMANAGARA,
SANTHEKADUR,
SHIVAMOGGA TALUK-577222.

...APPELLANT

(BY SRI. CHIDAMBARA G.S., ADVOCATE)

AND:

1. C. MANJUNATHA
AGED ABOUT 42 YEARS,
S/O. R. CHINNAPPA,
R/O. 5TH CROSS,
BEHIND LAKSHMI SERVICE STATION,
VINOBANAGARA,
SHIVAMOGGA-577202.
2. JAGADISH,
AGED ABOUT 51 YEARS,
S/O. DODDANNA,
R/O. 4TH CROSS, INDIRA BADAVANE,
CHANNEL AREA, GURUPURA
VIDYANAGARA, SHIVAMOGGA-577201.

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



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3. THE MANAGER,
TATA AIG INSURANCE CO. LTD.,
15TH FLOOR, TOWER A,
PENINSULA BUSINESS PARK,
GANAPATRAO KADAM MARG,
LOWER PAREL, MUMBAI-400013.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R3;
V/O DATED 03.08.2026, NOTICE TO R1 AND R2
ARE DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 25.4.2026 PASSED IN MVC
NO. 855/2023 ON THE FILE OF THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE AND ADDITIONAL MACT-III,
SHIVAMOGGA, 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

1. This appeal is filed by the claimant seeking
enhancement of compensation awarded in the judgment
and award dated 25.04.2026 passed in MVC No. 855/2023
by the III Additional District and Sessions Judge and
AMACT, Shivamogga.



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2. Even though the appeal is listed for admission today, with the consent of the learned counsel appearing for appellant – claimant and learned counsel appearing for respondent No. 3 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the death of Hanumanthamma in a road traffic accident that occurred on 16.10.2015 due to the rash and negligent driving by the driver of Tata Ace luggage carrier vehicle bearing registration No. KA-14-B-4109. Claimant No. 1 is the mother of the deceased and claimant No.2 is the daughter of the deceased. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of dependency	Rs.6,53,400.00
2	Loss of estate	Rs.15,000.00
3	Funeral expenses	Rs.15,000.00
	Total	Rs.6,53,400.00



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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. 3 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Claim petition was filed by the mother and daughter of the deceased. During the pendency of the claim petition mother of the deceased died and remaining claimant is the daughter of the deceased.

6. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 3 – Insurer.

7. Learned counsel for appellant would contend that the Tribunal has taken the personal expenses of the deceased at 50%. Claimants are mother and daughter of the deceased. The deceased being a married woman having mother and daughter, deduction is to be taken at 1/3rd. On that point she placed reliance on the decision of



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a coordinate Bench of this Court in the case of ***Arun Vs. Ravi and another, MFA No. 102562/2025*** decided on ***07.07.2026***. Learned counsel further submits that the Tribunal has rightly taken the notional income of the deceased at Rs.9,000/-, added 10% towards future prospects and applied multiplier 11. He submits that the Tribunal has not awarded consortium. Surviving claimant is the daughter of the deceased and she is entitled to consortium. With this he prayed to allow the appeal.

8. Learned counsel for respondent No.3 – 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. After the death of one claimant, remaining claimant is the sole claimant and therefore, deduction is to be taken at 50%. With this he prayed for dismissal of the appeal.

9. Having heard learned counsel for the parties, this Court has perused the judgment and award.



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10. Deceased was a married woman having daughter and mother. In case of married persons deduction is to be taken at $1/3^{\text{rd}}$. Deduction of 50% is to be taken in case of bachelor or unmarried woman. Therefore, deduction is to be taken at $1/3^{\text{rd}}$ as against 50% taken by the Tribunal. The Tribunal has rightly taken notional income of the deceased at Rs.9,000/-, added 10% towards future prospects and applied multiplier 11. Therefore, loss of dependency is calculated as under:

$$9,000 + 10\% = \text{Rs.}9,900/-$$

$$9,900 - 1/3 = \text{Rs.}6,600/-$$

$$6,600 \times 12 \times 11 = \text{Rs.}8,71,200/-.$$

11. The Tribunal has not awarded loss of consortium. Surviving claimant being the daughter of the deceased, is entitled to loss of consortium in a sum of Rs.40,000/-.



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

13. In view of the above, claimant is entitled to total compensation under various heads as under:

1	Loss of dependency	Rs.8,71,200.00
2	Loss of estate	Rs.15,000.00
3	Funeral expenses	Rs.15,000.00
4	Loss of consortium	Rs.40,000.00
	Total	Rs.9,41,200.00

14. Considering the above aspects claimant is entitled to total compensation of Rs.9,41,200/- as against Rs.6,83,400/- awarded by the Tribunal. Consequently, claimant is entitled to enhanced compensation of Rs.2,57,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 3 – Insurer is liable to pay the said enhanced compensation with interest.

15. In view of the above, the following;



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ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.2,57,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Respondent No. 3 - Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d) Appellant - claimant is entitled to release of entire enhanced compensation.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

LRS
CT:SM
List No.: 1 Sl No.: 46