



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 5800 OF 2024 (MV-D)

BETWEEN:

1. SMT. DIVYA
W/O LATE RATHNAKARA
AGED ABOUT 26 YEARS
R/O BAGURU
M MATHIGATTAPOST
NITTURHOBLI
GUBBI TALUK 5722163
TUMAKURUDIST

...APPELLANT

(BY SRI. MALLIKARJUN DODDA BASAVRAJAPPA
RYAKHA, ADVOCATE)

AND:

1. RAMESH K S
S/O SHIVAPPA
AGED ABOUT 48 YEARS
R/O GANGOTRI NIALYA
BEHIND KSRTC QURATERS
ASHOKANAGARA,KUVEMPU NAGARA
TUMAKURU TALUK AND DIST 577 101.
2. THE BRANCH MANAGER
RELIANCE GEN INSURANCE
COMPANY LTD.,G BALAJI TOWERS,
1ST FLOOR,ASHOKA NAGARA,

Digitally Signed By:
K B GEETHA





CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

B H ROAD
TUMAKURU TOWN 577 101.

3. SIDDALINGAIAH
S/O LATE CHIKKARANGAIAH
AGED ABOUT 61 YEARS
RA/T R/O BEGURU, N MATHIGHATTA POST
NITTUR HOBLI, GUBBI TALUK
4. SMT TOLASAMMA
W/O SIDDALINGAIAH
AGED ABOUT 55 YEARS
RA/T R/O BEGURU
N MATHIGHATTA POST
NITTUR HOBLI, GUBBI TALUK.

...RESPONDENTS

(BY SRI. ASHOK N PATIL, FOR R2;
NOTICE TO R1, R3 AND R4 ARE
DISPENSED WITH V/O DTD. 09.09.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.10.2022 PASSED IN MVC
NO. 877/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE
AND MEMBER, ADDITIONAL MACT-17, GUBBI,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION

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

CORAM: HON'BLE MR. JUSTICE GEETHA K.B.

ORAL JUDGMENT

This is the appeal filed under Section 173(1) of the
Motor Vehicles Act, 1988(for short M.V. Act) by the

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

claimant No.1 i.e., appellant herein challenging the judgment and award dated 13.10.2022 in MVC No.877/2021 on the file of the Senior Civil Judge and Addl. MACT-17, Gubbi (for short, 'the Tribunal') by making her in-laws-claimants No.2 & 3 as respondent Nos.3 and 4 in the appeal.

2. Parties would be referred with their ranks as they were before the Tribunal for sake of convenience and clarity.

3. The case of the claimants in nutshell is that on 21.01.2021 at about 10.00 p.m., the deceased Rathnakara after de-boarding the bus at Baguru gate and was proceeding towards Baguru as pedestrian on the left side of the foot-path; while proceeding so, in front of BVS ITI college, the Hyundai Car bearing Reg.No.KA-06-M-8069 coming from K.B. Cross in a rash and negligent manner with high speed dashed against said Rathanakara and thereby caused the accident. He was immediately taken

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

to the General Hospital, Tumakuru and then to NIMHANS, Bengaluru but succumbed to those injuries caused in accident.

4. Original claimants are the wife and parents of the deceased. They filed claim petition under Section 166 of the M.V. Act, praying for compensation before the tribunal.

5. After framing issues, recording evidence and hearing arguments of both sides, the Tribunal came to the conclusion that claimants are entitled for total compensation of Rs.20,64,000/- along with interest at the rate of 9% per annum under following heads:

Sl. No.	Heads	Compensation
1.	Loss of dependency	Rs. 19,04,000.00
2.	Loss of Love and affection	Rs. 60,000.00
3.	Funeral expenses	Rs. 25,000.00
4.	Loss of estate	Rs. 25,000.00
5.	Loss of consortium	Rs. 50,000.00
	Total	Rs. 20,64,000.00

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

6. Not satisfied with the said compensation, claimant is before this court.

7. Heard arguments of both sides.

8. Learned counsel for the appellant Sri Mallikarjuna Doddabasavarajappa Ryakha would submit that the income of the deceased was taken at Rs.14,000/- by the tribunal. However, as per the chart, it has to be taken at Rs.15,000/- per month. Furthermore, the compensation awarded under conventional heads was not in accordance with law. Hence, praying for allowing the appeal.

9. Learned counsel for respondent No.2 Sri Ashok N Patil would submit that the judgment and award passed by the tribunal is proper and the compensation awarded is just and reasonable and requires no interference.

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

10. Having heard the arguments of both sides, verifying the appeal papers, the point that arises for consideration is-

"whether the claimants are entitled for enhancement of compensation?"

11. Finding of this Court on above point is in **affirmative** for the following:

REASONS

12. The facts established before the tribunal are that Rathnakara died in a road traffic accident that has taken place on 21.01.2021 involving the offending Hyundai car bearing Reg.No.KA-06-M-8069 and the deceased left behind his wife and parents as dependants.

13. By placing reliance on the decision rendered by the Hon'ble Apex Court in the case of ***Smt.Sarla Verma & Others. Vs. Delhi Transport Corpn And Another*** reported in ***AIR 2009 SC 3104***, as the age of the deceased is 30 years, the relevant appropriate multiplier is

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

'17' and the 1/3rd of the income of the deceased is to be deducted towards his personal and living expenses, as he left behind his wife and parents who were entirely depending upon the income of deceased. Furthermore, when the claimants contended that deceased was working as plumber and not produced any document to prove his actual income, by placing reliance on the chart prepared by the Karnataka State Legal Services Authority to determine the notional income for Lok Adalat has to be considered. Accordingly, the income of the deceased has to be taken at Rs.15,000/-. But the tribunal has taken it as Rs.14,000/- Furthermore, the age of deceased is 30 years as on the date of accident. In view of the decision of the Hon'ble Apex Court in case of ***National Insurance Company Limited vs. Pranay Sethi and others***, reported in ***(2017) 16 Supreme Court Cases 680***, 40% of the income is to be added towards future prospects, but the Tribunal has not considered the same.

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

Therefore, 'loss of dependency' is reassessed and quantified at **Rs.28,56,000/-** [15,000/-+ 40% X 12 X 17 X 2/3].

14. In view of the decision of the Hon'ble Supreme Court in the case of ***Magma General Insurance Co. Limited v. Nanu Ram & Others, reported in 2018 ACJ2782*** and in the case of ***Pranay Sethi's case*** cited supra, the claimants are entitled to Rs.40,000/- each along with 10% +10% escalation charges = Rs.48,400/- under the head 'loss of consortium' i.e totally **Rs.1,45,200/-** (48,400×3).

15. Further, a compensation of Rs.15,000/- along with 10% +10% escalation charges =**18,150/-** (Rs.15,000 + 10% + 10%) is awarded each under the head 'loss of estate' and 'transportation and funeral expenses'.

16. Thus, the claimants would be entitled for compensation under various heads as under:

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

Sl. No.	Heads	Compensation
1.	Loss of dependency	Rs. 28,56,000.00
2.	Transportation and funeral expenses	Rs. 18,150.00
3.	Loss of estate	Rs. 18,150.00
4.	Loss of consortium	Rs. 1,45,200.00
	Total	Rs. 30,37,500.00

17. Hence, the claimants are entitled for total compensation of Rs.30,37,500/- as against Rs.20,64,000/- awarded by the Tribunal.

18. Hence, this Court passes the following:

ORDER

- a. Appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is **allowed in part**.
- b. Judgment and award dated 13.10.2022 passed in MVC No.877/2021 on the file of the Senior Civil Judge and Addl. MACT-17, Gubbi, is modified holding that the claimants are entitled for total compensation of Rs.30,37,500/-as against Rs.20,64,000/- awarded by the Tribunal.

Digitally Signed By:
K B GEETHA



CNR: KAHC010501252024

NC: 2026:KHC:49237
MFA No. 5800 of 2024

- c. The enhanced compensation shall carry interest at 6% per annum from the date of petition till realization.
- d. Appellants-Claimants are not entitled for interest for the delayed period of 592 days as per order dated 09.09.2026.
- e. The respondent No.2 shall deposit the compensation amount with accrued interest before the Tribunal within a period of 8 weeks from the date of receipt of certified copy of this judgment.
- f. Apportionment, disbursement and deposit shall be as per the order of the Tribunal.
- g. No order as to costs
- h. Draw modified decree accordingly.
- i. Registry to transmit the TCR to the Tribunal forthwith.

Digitally Signed By:
K B GEETHA

(GEETHA K.B.)
JUDGE