



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

M.F.A. NO. 5820 OF 2024 (MV-D)

BETWEEN:

1. SRI SURESH HADIMANI
S/O PAKKEERAPPA
AGED ABOUT 64 YEARS
CONTRACTOR
2. SMT SAVITHA H S
W/O SURESH HADIMANI
AGED ABOUT 59 YEARS
HOUSEHOLD WORK

BOTH ARE R/AT DODDI STREET
HARIHAR TOWN AND TALUK
DAVANGERE DISTRICT-577601.

...APPELLANTS

Digitally signed by
NANJUNDACHARI
Location: High
Court of
Karnataka

(BY SRI. N K SIDDESWARA, ADV.)

AND:

1. SRI FAKKIRESH N NAVALUR
S/O NINGAPPA
AGED ABOUT 41 YEARS
DRIVER OF KSRTC BUS
BEARING REG.NO.KA 23/F-763
R/O NAVALLI VILLAGE
TUPPADAKURUHATTI (P)
NAVALAGUNDA TALUK
DHARWAD DISTRICT-582208.



2. THE MANAGING DIRECTOR
NWKRTC, HUBLI-CHIKKODI
DIVISION, CHIKKODI
CHIKKODI TALUK-591201
BELGAUM DISTRICT.
3. THE MANAGER
INTERNAL INSURANCE FUND
KSRTC, SHANTHINAGAR
BENGALURU -560027.
4. THE MANAGER
KSRTC, DEPOT
HARIHAR TOWN AND TLAUK
DAVANGERE DISTRICT-577601.
5. THE DIVISIONAL CONTROLLER
KSRTC, DAVNAGERE CITY
DAVANAGERE DISTRC-577002.

...RESPONDENTS

(BY SMT. JAGADEESH G.S., ADV. FOR R2-R5
NOTICE TO R1 IS D/W V/O/D 01.02.2025)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 31.12.2016 PASSED IN MVC.NO. 734/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER, ADDITIONAL MACT, HARIHAR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

This appeal is filed by the claimants under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'the Act') against the judgment and award dated 31.12.2016 in MVC No. 734/2014 on the file of Senior Civil Judge & Addl. MACT, Harihar (hereinafter referred to as 'the Tribunal'), seeking enhancement of the compensation awarded by the Tribunal.

2. The brief facts of the case are that, the claimants being the parents of the deceased by name Sri. H.S. Siddartha, filed a claim petition under section 166 of the Motor Vehicles Act, 1988, seeking compensation for the accidental death of their son involving motorcycle bearing Reg.No.KA-17/V-687 and KSRTC Bus bearing Reg.No.KA-23/F-763, near Fakirswamy Math of Harihar Town on 30.03.2014 at about 01.50 p.m., which also led to the death of the pillion rider of the motorcycle by name Sri.Raghavendra. It was submitted before the Tribunal



that the deceased was hale and healthy, aged 20 years, studying B.Com.

3. Before the Tribunal, upon issuance of notice, all the respondents except respondent No.4 therein appeared and filed their written statements. The respondents denied the claim petition averments before the Tribunal, in *toto*. On behalf of the claimants, the claimant No.1 examined himself as PW1 and marked Exs.P1 to 6, whereas, on behalf of the respondents, the respondent No.1-driver of the KSRTC bus was examined as RW1 and marked Exs.R1 to R9. The tribunal upon examination of the material on record, saddled the entire liability upon the Corporation and awarded the total compensation of **Rs.7,73,000/-** along with interest @ 6% pa under the following heads:

Sl No.	Compensation under the Head	Amount
1.	Loss of dependency	Rs. 6,48,000/-
2.	Loss of estate	Rs. 50,000/-
3.	Loss of love and affection	Rs. 50,000/-
4.	Conveyance and Funeral expenses	Rs. 25,000/-
	TOTAL	Rs. 7,73,000/-



4. In coming to the afore-stated conclusion, the Tribunal assessed the monthly income of the deceased notionally at Rs.6,000/-, adopted the multiplier of '18' and deducted 50% towards personal and living expenses of the deceased.

5. Heard Sri.N.K.Siddeshwara, learned counsel for the claimants and Sri.Jagadeesh G.S., learned counsel for the Corporation. Perused the entire appeal papers including the Trial Court records.

6. Learned counsel Sri.N.K.Siddeshwara for the claimants would submit that the Tribunal erred in assessing the notional income of the deceased at Rs.6,000/- pm. It is submitted that the deceased was a B.Com student aged 20 years and had a very bright future and hence, it is submitted that the monthly income assessed by the Tribunal is on the lower side. It is further submitted that the Tribunal has failed to take into account the future prospects of the deceased while awarding



compensation under the head 'loss of dependency'. Further, it is submitted that the Tribunal has failed to award compensation under the head 'loss of consortium' as well as future prospects. Thus, it is prayed to allow the appeal filed by the claimants.

7. *Per contra*, Sri. Jagadeesh G.S., learned counsel for the Corporation would support the judgment and award passed by the Tribunal and submit that as the Tribunal has awarded just compensation, interference by this Court with the impugned award and judgment is not warranted.

8. Having heard the learned counsel appearing for the parties and on perusal of the entire appeal papers, the following points would arise for our consideration:

i. Whether the claimants would be entitled for enhanced compensation?

9. Answer to the above point would be in the '**Affirmative**' for the following reasons:



The accident that occurred on 30.03.2014 at about 01.50 p.m., involving motorcycle bearing Reg.No.KA-17/V-687 and KSRTC Bus bearing Reg.No.KA-23/F-763 near Fakirswamy Math of Harihar Town that led to the accidental death of the son of the claimants and the pillion rider of the motorcycle is not in dispute. The question of negligence is not in dispute in this appeal as well. The only question is as to the compensation to be awarded to the claimants for the accidental death of their son by name Sri.H.S. Siddartha.

10. A perusal of the appeal papers as well as the Trial Court records would indicate that the deceased was aged '20' years and was a B.Com student. It is contended on behalf of the claimants that the deceased was a bright student and aspired to be an IPS Officer in the future. However, it is noticed that absolutely nothing is placed on record to indicate that the deceased was a bright student. In such circumstances, it is appropriate to assess the monthly income of the deceased notionally as per the



chart prepared by Karnataka State Legal Services Authority (KSLSA). As per the chart prepared by KSLSA, for the accidental deaths of the year 2014, the notional income is to be assessed at Rs.8,500/- p.m. Moreover, future prospects also has to be awarded to the deceased. Thus, the Tribunal has erred to the extent of assessing monthly income at Rs.6,000/- and not awarding future prospects. The Tribunal has rightly deducted 50% for personal and living expenses of the deceased and rightly adopted the multiplier of '18'. Hence, the compensation under the head 'loss of dependency' is modified as under:

$$8,500 \times 50\% + 40\% \times 12 \times 18 = \text{Rs.12,85,200/-}.$$

11. With regard to compensation under the conventional heads, the Tribunal has erred in awarding Rs.50,000/- under 'loss of estate', Rs.50,000/- for 'loss of love and affection' and Rs.25,000/- for 'conveyance and funeral expenses'. In terms of the decision of the Hon'ble Apex Court in **MAGMA GENERAL INSURANCE COMPANY LIMITED VS. NANU RAM & OTHERS (2018 ACJ 2782)** we



deem it appropriate to award a sum of Rs.40,000/- each to both the claimants under the head 'loss of consortium'. Further, we deem it appropriate to award a sum of Rs.15,000/- each under the heads 'loss of estate' and 'funeral and transportation expenses'. Thus, the claimants shall be entitled to the following modified compensation:

Sl. No.	PARTICULARS	AMOUNT
1.	Loss of Dependency	Rs. 12,85,200/-
2.	Loss of Consortium	Rs. 80,000/-
3.	Loss of Estate	Rs. 15,000/-
4.	Funeral Expenses and Transportation Charges	Rs. 15,000/-
	TOTAL	Rs.13,95,200/-

12. Thus, the claimants would be entitled to the compensation of **Rs.13,95,200/-** as against Rs.7,73,000/- awarded by the Tribunal. However, it is made clear, in terms of order of this Court dated 31.01.2026, that the enhanced compensation of Rs.6,22,200/- shall not carry any interest, as the appeal is filed after a delay of 1998 days.



13. In the result, we proceed to pass the following:

ORDER

- a) MFA No.5820/2024 filed by the claimants is partly allowed.
- b) The impugned judgment and award of the Tribunal is modified holding that the claimants would be entitled to the compensation of **Rs.13,95,200/-** as against Rs.7,73,000/- awarded by the Tribunal.
- c) The compensation amount of Rs.7,73,000/- shall carry interest at the rate of 6% per annum from the date of petition till date of realization. Whereas, the enhanced compensation of Rs.6,22,200/- shall not carry any interest.
- d) The Corporation shall deposit the entire compensation amount with accrued interest as stated above before the Tribunal within four



weeks from the date of receipt of certified copy of this judgment.

- e) Apportionment, deposit and disbursement shall be made as per the award of the Tribunal.
- f) The amount in deposit, if any, be transmitted to the concerned Tribunal forthwith along with Trial Court Records.
- g) Draw modified award accordingly.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE