



CNR: KAHC010509072025

NC: 2026:KHC:42072
MFA No. 5733 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5733 OF 2025

(MV-D)

BETWEEN:

THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO LTD.,
UDUPI MOTORS, 1-4-51J
SURABHI ARCADE
KALSANKA
UDUPI TALUK AND DISTRICT.

THROUGH ITS REGIONAL OFFICE
No.144, SUBHARAM COMPLEX
M. G. ROAD,
BANGALORE-560 001.
REP. BY ITS DEPUTY MANAGER.

...APPELLANT

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

(BY SRI JANARDHANA REDDY, ADVOCATE)

AND:

1. BASAVANNEPPA HELAVAR
AGED ABOUT 54 YEARS
S/O LINGAPPA HELAVAR.
2. RESHMA BANU
AGED ABOUT 34 YEARS
D/O BASAVANNEPPA HELAVAR.



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3. GUNDAPPA
AGED ABOUT 30 YEARS
S/O BASAVANNEPPA HELAVAR.
4. MADAMMA
AGED ABOUT 29 YEARS
D/O BASAVANNEPPA HELAVAR.
5. MANJAPPA
AGED ABOUT 27 YEARS
S/O BASAVANNEPPA HELAVAR.

ALL ARE R/AT No.4-110F
KURKALA, SUBHAASH NAGAR
KAUP TALUK
UDUPI DISTRICT.

6. GURUPRASAD
AGED ABOUT 27 YEARS
S/O LATE SHEKAR
R/AT H No.4-79
JANATHA COLONY
BANGLEGUDDE HOUSE
SHIRVA VILLAGE,KAUP TALUK
UDUPI DISTRICT
(RIDER OF THE MOTOR CYCLE No. KA 20-EX-3833)

7. BHARATH
AGED ABOUT 26 YEARS
S/O SHRIDHAR ACHARYA
R/T H No. 7-119
NELLGUDDE HOUSE
SHRIVA VILLAGE, KAUP TALUK
UDUPI DISTRICT
(OWNER OF THE MOTOR CYCLE No. KA -20-EX-3833)

...RESPONDENTS

(BY SRI JAYANTHA POOJARY, ADVOCATE FOR R1-R5
V/O DTD. 15.09.2025, NOTICE TO R6 IS DISPENSED WITH
R-7 BHARATH - SERVED)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:17.04.2025 PASSED IN MVC No.1236/2023 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND ACJM, UDUPI, ADDITIONAL MACT, UDUPI, AWARDED COMPENSATION OF Rs.24,96,836/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant –insurer challenging the quantum of compensation awarded in the Judgment and Award dated 17.04.2025 passed in MVC No.1236/2023 by II Additional Senior Civil Judge and Additional MACT., Udupi.

2. The appeal listed today for order/admission, it is taken up for disposal with the consent of learned counsel for the insurer and learned counsel for respondent Nos.1 to 5.

3. Respondent Nos.1 to 5 made a claim petition praying to award compensation for the death of Yellamma Helavar (wife of claimant No.1 and mother of



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claimant Nos.2 to 4) in a road traffic accident occurred on 22.01.2023, contending that accident occurred due to rash and negligent driving of driver of Motorcycle bearing registration No.KA-20/EX-3833. The Tribunal after recording evidence on both sides, appreciating evidence on record has assessed the compensation and awarded compensation under various heads as under:

Sl. No.	Heads of compensation	Amount in Rs.
1	Medical expenses	-
2	Loss of Income	22,66,836/-
	(i) Monthly income	15,500
	(ii) 25% of (i) above to be added towards future prospects	(15,500+3875=19,375)
	(iii) Deduction of $\frac{1}{4}$ of income as personal expenses of the deceased	19,375-4,844=14,531
	(vi) Compensation after multiplier 13 is applied	=22,66,836
3	General Damages	
	A. Funeral and Transportation	15,000.00
	B. Consortium	2,00,000.00
	C. Loss of Estate	15,0000.00
Total		Rs.24,96,836/-



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4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed the appellant -insurer to pay and recover the same from the owner of the vehicle as the driver of the insured vehicle was not holding driving licence as on the date of the accident. The insurer has challenged quantum of compensation in the present appeal.

5. Heard learned counsel for the appellant – insurer and learned counsel for respondent Nos.1 to 5.

6. Learned counsel for the appellant –insurer would contend that claimants are the husband and major children of the deceased. Claimants are not dependents of the deceased and therefore, the deduction taken by the Tribunal at 1/4th is not proper and deduction is to be taken at half of the income of the deceased towards her personal expenses.

7. Learned counsel for respondent Nos.1 to 5 would contend that claimants being husband and children



of the deceased are dependants and therefore, the Tribunal has rightly taken the deduction at $1/4^{\text{th}}$ of the income of the deceased.

8. Having heard learned counsels, the Court has perused the impugned judgment and award.

9. The Tribunal has rightly taken the income of the deceased at Rs.15,500/-, added 25% towards future prospects and applied multiplier 13. The Tribunal has deducted $1/4^{\text{th}}$ towards personal expense of the deceased on the ground that claimants are 05 dependants of the deceased. Claimant Nos.2 to 5 are major/married children of the deceased and they are stated to be not dependants on the deceased. Claimant No.1 is the husband. The deceased was married woman having husband and children. Therefore, the deduction towards personal expenses is to be taken at $1/3^{\text{rd}}$ as against $1/4^{\text{th}}$ as taken by the Tribunal. In view of the above, the loss of dependency is calculated as under:



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Rs.15,500/- + 25% (Rs.3,875/-) =Rs.19,375/- minus
 $1/3^{\text{rd}}$ =Rs.12,917/- x 12 x 13 = Rs.20,15,052/-.

10. Claimants are entitled to loss of dependency in a sum of Rs.20,15,052/- as against Rs.22,66,836/- as awarded by the Tribunal. The Tribunal has awarded compensation under conventional heads, but has not added the escalation since the accident has taken place in the year 2023. Therefore, escalation is to be added at 20% on conventional heads as per decision of the Hon'ble Apex Court in the case of ***National Insurance Company Ltd., Vs Pranay Sethi and Others¹***. Therefore, claimants are entitled to loss of consortium in the sum of Rs.2,40,000/- (Rs.2,00,000/- +20% escalation), funeral expenses in a sum of Rs.18,000/- (Rs.15,000/- + 20% escalation) and loss of estate in a sum of Rs.18,000/- (Rs.15,000/- + 20%

¹ In AIR 2017 SC 5157



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escalation). Claimants are entitled to total compensation under various heads as under:

Sl. No.	Heads of compensation	Amount in Rs.
1	Loss of dependency	20,15,052/-
2	Funeral Expenses	18,000/-
3	Loss of estate	18,000/-
4	Loss of consortium	2,40,000/-
Total		Rs.22,91,052/-

11. Claimants are entitled to total compensation of Rs.22,91,052/- as against Rs.24,96,836/- as awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation. The appellant - insurer has to pay the said compensation amount to claimants and recover the same from respondent No.7 –owner of the insured vehicle.

12. In view of the above, the following

ORDER

- i) The appeal is ***allowed in part.***
- ii) Claimants –respondent Nos.1 to 5 are entitled to total compensation of Rs.22,91,052/- with interest



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at the rate of 6% per annum from the date of petition till realisation.

- iii) The appellant -insurer shall deposit the total compensation with interest before the Tribunal within a period of 06 weeks from this day.
- iv) The amount in deposit is ordered to be transmitted to the Tribunal.
- v) The claimants are entitled to release of compensation as per their share as determined by the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 13