



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO.2851 OF 2017 (MV-D)

BETWEEN:

1. VEERAMALLAIAH
AGED ABOUT 61 YEARS,
S/O LATE MYLARAPPA,
2. LINGARAJU
AGED ABOUT 31 YEARS,
S/O VEERAMALLAIAH,
LATE MURUGENDRAIAH,
3. DHANALAKSHMI
AGED ABOUT 26 YEARS,
D/O VEERAMALLAIAH,

ALL ARE RESIDING AT KAMBADAHALLI VILLAGE,
KASABA HOBLI, KORATAGERE TALUK,
TUMKUR DISTRICT,
NOW R/AT UPPARAHALLI,
1ST MAIN, BEHIND URDU SCHOOL,
TUMKUR TOWN-572122.

Digitally signed by
MAHALAKSHMI B M
Location: HIGH
COURT OF
KARNATAKA

...APPELLANTS

(BY SRI MUSTHAQ AHMED, ADVOCATE)

AND:

1. YOGESH J.S.
AGED ABOUT 24 YEARS,
S/O SIDDAPPA,
R/A BENDONE, MALLEGAVU POST,
KORATAGERE TALUK,
TUMKUR DISTRICT-572 103.



2. IFFCO TOKIOI GENERAL INSURANCE CO. LTD.,
T.D. BHAVAN MISSION, 1ST FLOOR,
3RD CROSS, M.G. ROAD, UCO BAND,
GENERAL KARIYAPPA,
TUMKURU-272 122
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI H.S. LINGARAJU, ADVOCATE FOR R-2;
V/O. DATED 09.02.2023 NOTICE TO R-1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 11.11.2016 PASSED IN MVC NO.257/2016 ON THE FILE OF THE I ADDITIONAL DISTRICT JUDGE AND II MACT AT TUMAKURU, 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 C M JOSHI

ORAL JUDGMENT

Heard learned counsel appearing for the appellants
and learned counsel appearing for respondent No.2.

2. The short point that arise in this appeal is,
*whether the quantum of the compensation
amount awarded by the Tribunal on account of
death of the wife of the petitioner No. 1 and
mother of the petitioner Nos. 2 and 3 is proper
and correct?*



3. The fact that the wife of the petitioner No. 1 and mother of the petitioner Nos. 2 and 3 met with an accident on 26.10.2014 at 03.30 P.M involving the motorcycle bearing number KA-06-EM-5350 owned by the respondent No. 1 and insured by the respondent No. 2 and succumbed to the injuries is not in dispute. The only aspect urged by the learned counsel for the appellants is in respect of the quantum of the compensation.

4. It is submitted that the deceased was aged about 60 years at the time of the accident and that she was earning her livelihood by milk and flower vending. Therefore, it is submitted that the Tribunal erred in assessing the income of the deceased at Rs. 6,000/- per month. He further submitted that the compensation awarded under the remaining heads also need to be reassessed in the light of the judgment of the Apex Court



in the case of ***NATIONAL INSURANCE COMPANY LIMITED vs. PRANAY SETHI AND OTHERS¹***.

5. *Per contra*, learned counsel for the respondent No.2 submits that the Tribunal has adequately considered the income and no enhancement is permissible.

6. On a careful perusal of the records, it is evident that the deceased was aged about 60 years, but no material is produced before the Tribunal to show her income. Hence, it is the notional income which has to be considered by this Court. The guidelines issued by the Karnataka State Legal Services Authority (KSLSA) for the purpose of settlement of the disputes before the Lok Adalat prescribe a notional income of Rs.8,500/- per month for the year 2014. In umpteen number of judgments, this Court has held that the guidelines issued by the KSLSA are in general conformity with the wages

¹ AIR 2017 SC 5157



fixed under the Minimum Wages Act and therefore they are acceptable.

7. In that view of the matter, the notional income has to be considered at Rs.8,500/- per month. Adding 10% to towards the future prospects, the multiplicand would come to Rs. 9,350/-. Therefore, the loss of dependency is calculated as Rs. 9,350/- x 12 x 9 x 2/3 = Rs. 6,73,200/- by adopting a multiplier of '9' for the age of 60 years.

8. In view of the judgment of the Apex Court, escalation has to be awarded towards the funeral expenses and conveyance expenses for every three years and therefore the petitioners are entitled for funeral expenses at Rs.16,500/- and Rs.16,500/- towards the loss of estate.

9. In addition the petitioners are also entitled for a sum of Rs.44,000/- each towards the loss of love and affection and consortium. In addition, the petitioners are



also entitled for a sum of Rs.5,000/- towards the conveyance expenses since it is borne out of the record that the deceased died after three days of the accident while taking treatment at the hospital. Hence, the petitioners are entitled for a total compensation under following heads:

Particulars	Amount (IN Rs.)
Loss of dependency	6,73,200/-
Funeral expenses	16,500/-
Loss of estate	16,500/-
Loss of love and affection and consortium	1,32,000/-
Conveyance Expenses	5,000/-
Total	8,43,200/-
Less awarded by Tribunal	4,77,000/-
Enhancement	3,66,200/-

10. The appeal deserves to be allowed in part and hence the following:

ORDER

- (i) The appeal is ***allowed in part.***



- (ii) The appellants are entitled for an additional sum of Rs.3,66,200/- in addition to the compensation awarded by the Tribunal along with interest at 6% per annum from the date of petition till its deposit before the Tribunal.
- (iii) Respondent No. 2 is directed to deposit the compensation amount as provided under Section 168(3) of the Motor Vehicles Act.
- (iv) The rest of the order passed by the Tribunal remain unaltered.

Sd/-
(C M JOSHI)
JUDGE

CKL
List No.: 1 SI No.: 5