



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.7672 OF 2022(MV-D)

BETWEEN:

1. YASHODHA G R
W/O LATE KANTHARAJA
AGED ABOUT 39 YEARS
2. JAYAMMA
W/O LATE NANJUNDAPPA
AGED ABOUT 68 YEARS
BOTH ARE R/AT NULENUR VILLAGE
RAMAGIRI HOBLI
HOLALKERE TALUK -577 526.

...APPELLANTS

(BY SRI. R SHASHIDHARA., ADVOCATE)

AND:

1. SYED RAFFIQ
S/O SYED RASOOL
AGED ABOUT 41 YEARS
R/O KURUBARAHALLY VILLAGE
CHITRADURGA TALUK
OWNER OF MOTOR CYCLE
BEARING NO.KA-27/B-4360.
2. THE MANAGER
RELIANCE GENERAL INSURANCE CO LTD
NO.1 AND 2 1ST FLOOR MAGANUR COMPLEX
NEAR KSRTC BUS STAND
CHITRADURGA -577501

...RESPONDENTS

(BY SRI.H S LINGARAJU, ADVOCATE FOR R2:
NOTICE TO R1 IS DISPENSED WITH)



THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.09.2022 PASSED IN MVC NO. 1086/2019 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, HOLALKERE, 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 RAJESH RAI K

ORAL JUDGMENT

1. The appeal is filed by the claimants seeking for enhancement of compensation.
2. It is not in dispute that, as a result of the motor vehicle accident which occurred on 10.07.2019, one Kantharaja, aged 44 years, died.
3. It is not in dispute that the Insurer is liable to pay the compensation as the offending vehicle was insured.
4. The Tribunal, on assessment of the evidence adduced before it, has come to the conclusion that the driver of the offending vehicle was responsible for the accident which has resulted in the death of deceased- Kantharaja. The Tribunal has



thereafter proceeded to award the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of Dependency	20,38,316
2.	Funeral expenses and transportation expenses	16,500
3.	Loss of Estate	16,500
4.	Loss of love and affection	10,000
	Total	20,81,316

5. In order to arrive at the loss of dependency, the Tribunal, after considering the income and age of the deceased and by applying the principles laid down by the Hon'ble Apex Court in ***NATIONAL INSURANCE CO. LTD. V. PRANAY SETHI AND OTHERS [AIR 2017 SC 5157]***, has rightly awarded compensation of **Rs.20,38,316/-** under the head '*Loss of Dependency*'. The same is proper and adequate and therefore, remains unaltered.

6. The claimants being the wife and mother of the deceased, they would each be entitled to a sum of **Rs.48,400/-** towards



"loss of consortium" i.e., in all **Rs.96,800/-** and they would also be entitled to a sum of **Rs.36,300/-** under the conventional heads.

7. Thus, the claimants, in modification of the impugned award, would be entitled to the following sums:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of Dependency	20,38,316
2.	Loss of Consortium	96,800
3.	Loss of Funeral expenses and loss of Estate	36,300
	Total	21,71,416

8. Thus, the claimant would be entitled for compensation of **Rs.21,71,416/-** as against Rs.20,81,316/- awarded by the Tribunal, along with interest at the rate of 6% per annum from the date of petition till its realization.

9. The Insurance Company is directed to deposit the amount of compensation awarded within a period of six weeks from the date of receipt of a certified copy of this judgment.



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10. The apportionment of compensation amount shall be in terms of the award of the Tribunal.

The appeal is accordingly ***allowed in part.***

Sd/-
(RAJESH RAI K)
JUDGE

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LIST NO.: 1 SL NO.: 9