



CNR: KAHC010524592026

NC: 2026:KHC:51395  
MFA No. 5657 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL No. 5657 OF 2026**

**(MV-D)**

**BETWEEN:**

1. SRI. RAFIQ AHAMMED  
S/O NAZEER AHAMMED  
NOW AGED ABOUT 51 YEARS.
2. SMT. NOOR JAN  
W/O RAFIQ AHAMMED  
NOW AGED ABOUT 41 YEARS.
3. SAQHLAIN AHAMMED  
S/O RAFIQ AHAMMED,  
NOW AGED ABOUT 18 YEARS.

Digitally signed  
by  
PADMA SHREE  
SHEKHAR  
DESAI

Location: HIGH  
COURT OF  
KARNATAKA

ALL ARE RESIDING AT No. 82  
KADANUR VILLAGE AND POST  
MADHURE (H)  
DODDABALLAPURA TALUK  
BENGALURU RURAL DISTRICT  
PIN 561 204.

...APPELLANTS

(BY SRI B CHANDRASHEKHARAIHAH, ADVOCATE)

**AND:**

1. MR. LOKESH K T  
S/O TYAGARAJU



**NC: 2026:KHC:51395**  
**MFA No. 5657 of 2026**

**CNR: KAHC010524592026**

MAJOR,  
(AGED OF R-1 NOT KNOWN TO APPELLANTS)  
RESIDING AT  
No. 302, NEAR NH-4  
BYRAVESHWARA NAGAR  
NELAMANGALA  
BENGALURU RURAL DISTRICT  
PIN - 562 123.

2. ROYAL SUNDARAM  
GENERAL INSURANCE COMPANY LTD.,  
TP HUB No. 30, 3<sup>RD</sup> FLOOR  
JNR CITY CENTRE,  
RAJA RAM MOHAN ROY ROAD  
SAMPANGIRAMA NAGAR  
BENGALURU - 560 027.  
BY ITS MANAGER.

...RESPONDENTS

(BY SRI P S JAGADISH, ADVOCATE FOR R2  
V/O DTD. 13.08.2026, OTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,  
AGAINST THE JUDGMENT AND AWARD DATED:19.02.2026.  
PASSED IN MVC No.6606/2024 ON THE FILE OF THE XVI  
ADDL. JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL  
COURT OF SMALL CAUSES , BENGALURU., 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 SHIVASHANKAR AMARANNAVAR



### **ORAL JUDGMENT**

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 19.02.2026 passed in MVC No. 6606/2024 by the XVI Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-14).

2. Even though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned counsel appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 2 – Insurer.

4. Appellants – claimants made a claim petition praying to award compensation for the death of Saif Ahamed (son of claimant Nos. 1 and 2 and brother of claimant No. 3) in a road traffic accident that occurred on 26.07.2024 due to the negligence on the part of driver of



CNR: KAHC010524592026

NC: 2026:KHC:51395  
MFA No. 5657 of 2026

car bearing registration No. KA-02-MG-2469. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

|   |                    |                     |
|---|--------------------|---------------------|
| 1 | Loss of dependency | Rs.24,94,800/-      |
| 2 | Loss of consortium | Rs.96,000/-         |
| 3 | Loss of estate     | Rs.18,000/-         |
| 4 | Funeral expenses   | Rs.18,000/-         |
|   | <b>Total</b>       | <b>Rs.26,26,800</b> |

5. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimants seeking enhancement of the compensation awarded, have filed the present appeal.

6. Heard learned counsel for appellants and learned counsel for respondent No. 2.

7. Learned counsel for appellants would contend that in the claim petition it was contended that the



deceased was studying in ITI course, but documents were not produced before the Tribunal in that regard and therefore the Tribunal has taken the notional income. Now Documents in that regard are sought to be produced under I.A. No. 2/2026 filed under Order 41 Rule 27 CPC. Considering the said documents, the deceased was studying in ITI second year and it is a two years course. He is the only son to the claimants No.1 & 2 and therefore income is to be taken higher than the notional income. He further submits that claimant No. 3 being younger sister of the deceased is entitled to consortium which is not awarded by the Tribunal. With this he prayed to allow the appeal.

8. Learned counsel for respondent No. 2 - Insurer would contend that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.



**CNR: KAHC010524592026**

9. The accident occurred on 26.07.2024 and as on the date of accident, the deceased was aged 18 years. In the claim petition it is contended that the deceased was ITI student. Even though that was the contention, no documents were produced before the Tribunal. Now in this appeal, the appellants have filed application, I.A. No. 2/2026 along with two documents; one is copy of SSLC marks card and another one is copy of ITI marks card. Said documents sought to be produced under I.A. No. 2/2026 are relevant and therefore those documents are taken on record by allowing I.A. No. 2/2026. As the deceased was studying in second year ITI, which is two years course, income of the deceased is to be taken higher than the notional income. The notional income fixed for the year 2024 is Rs.17,000/-. Therefore, income of the claimant is taken at Rs.19,000/- per month. The Tribunal has rightly added 40% towards future prospects, deducted 50% towards his personal expenses and rightly applied the multiplier `18'.



CNR: KAHC010524592026

NC: 2026:KHC:51395  
MFA No. 5657 of 2026

10. In view of the above, loss of dependency is calculated as under:

$$19,000 + 7,600 (40\%) = \text{Rs.}26,600/-$$

$$26,600 - 13,300 (50\%) = 13,300/-$$

$$13,300 \times 12 \times 18 = \text{Rs.}28,72,800/-$$

11. The Tribunal has not awarded consortium to claimant No. 3 - younger sister of the deceased. Said younger sister of the deceased was aged 16 years and was residing with the deceased. Considering the said aspect, claimant No. 3 who is appellant No. 3 herein is also entitled to consortium in a sum of Rs.48,000/-.

12. The Tribunal has rightly awarded funeral expenses and loss of estate.

13. In view of the above, claimants are entitled to total compensation under various heads as under:

|   |                    |                |
|---|--------------------|----------------|
| 1 | Loss of dependency | Rs.28,72,800/- |
| 2 | Loss of consortium | Rs.1,44,000/-  |
| 3 | Loss of estate     | Rs.18,000/-    |



NC: 2026:KHC:51395  
MFA No. 5657 of 2026

|   |                  |                       |
|---|------------------|-----------------------|
| 4 | Funeral expenses | Rs.18,000/-           |
|   | <b>Total</b>     | <b>Rs.30,52,800/-</b> |

14. Considering the above aspects claimants are entitled to total compensation of Rs.30,52,800/- as against Rs.26,27,000/- awarded by the Tribunal. Consequently claimants are entitled to enhanced compensation of Rs.4,25,800/- with interest at the rate of 6% per annum from the date of petition till the date of realization. Respondent No. 2 - Insurer is liable to pay the said enhanced compensation with interest.

15. In view of the above, the following;

**ORDER**

- a. Appeal is allowed in part.
- b. Claimants are entitled to enhanced compensation of Rs.4,25,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.



**NC: 2026:KHC:51395**  
**MFA No. 5657 of 2026**

**CNR: KAHC010524592026**

- c. Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- d. Claimants are entitled to enhanced compensation in the ratio of 40 : 40 : 20 and they are entitled to release of their share in the entire enhanced compensation.

**Sd/-**  
**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

LRS  
List No.: 1 Sl No.: 39  
Ct.sm