



CNR: KAHC010534082023

NC: 2026:KHC:37541-DB
MFA No. 6961 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.6961 OF 2023 (MV-D)

BETWEEN:

1. SRI. MOHAMMED MUSTHAFA.G.A.
S/O G.A.MAMMUNHI
AGED ABOUT 60 YEARS,
2. SMT. KAIRUNNISA ALIAS KHADEEJA
W/O MOHAMMED MUSTHFA.G.A
AGED ABOUT 49 YEARS
3. SRI. G.A.ABDUL MUKSITH
S/O MOHAMMED MUSTHFA.G.A
AGED ABOUT 24 YEARS,
4. SRI. NOORUL HASSAN
W/O MOHAMMED MUSTHFA.G.A
AGED ABOUT 22 YEARS,
5. KUM. FATHIMATH NASHUHA
D/O MOHAMMED MUSTHFA.G.A
AGED ABOUT 17 YEARS,
(APPELLANT NO.5 MINOR
REP. BY HER FATHER NATURAL GUARDIAN A-1)
ALL ARE RESIDING AT:
PANDIYAL JUMA MASJID ROAD
HOSABETTI, MANJESWAR
MANJESWARAM, KASARAGOD

Digitally signed
by G
SHREEPRAKSHA
Location: HIGH
COURT OF
KARNATAKA



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KERELA STATE - 671 323.

...APPELLANTS

(BY SRI. CHANDRASHEKARAIH.B., ADVOCATE)

AND:

1. SRI. POUNRAJ.G S/O GOVINDASWAMY
NO.8/55, EAST STREET
VELLALAPATTI MANGALAM (POST)
MUSIRI TALUK, THIRCHY,
TAMIL NADU - 621 205
2. ROYAL SUNDARAM GENERAL
INSURANCE COMPANY LTD.,
VISHRANTI MELARAM TOWERS NO. 2/319
RAJIVGANDHI SALAL (OMR)
KARAKPAKKAM, CHENNAI - 600 097

REP. BY ITS REGIONAL OFFICE:
ROYAL SUNDARAM GENERAL
INSURANCE COMPANY LTD.,
NO.152, RICHMOND ROAD,
BENGALURU - 560 035
BY ITS REGIONAL MANAGER

...RESPONDENTS

(BY SRI. RAVI.S.SAMPRATHI, ADV. FOR R2;
NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 20.02.2023 PASSED IN MVC
NO.1240/2021 ON THE FILE OF THE XXI ADDITIONAL SMALL
CAUSES JUDGE AND ACMM, MEMBER-MACT, COURT OF SMALL
CAUSES (SCCH-23), BENGALURU, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION AND ETC.

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



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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)

The claimants-parents, sisters and brother of the deceased-G.A.Mohammed Munshid filed claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation for the accidental death of deceased-Mohammed Munshid in a road traffic accident that occurred on 18.09.2020 involving motorcycle bearing Reg.No.KL-24-S-0150 and Lorry bearing Reg.No.TN-48-AU-5594. It is stated that the deceased was aged 25 years and was studying Engineering course in 6th Semester.

2. On service of notice, the respondent-insurance company appeared and filed its objection statement admitting the issuance of insurance policy. However, it is contended that the liability would be subject to the terms and conditions of the policy. It is further stated that the alleged accident occurred solely due to the negligence of the rider of the motorcycle. It is



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also stated that the offending lorry did not have permit and fitness certificate to ply in a public place and the driver thereof did not possess valid and effective driving license.

3. The first claimant examined himself as PW.1 and marked Exs.P1 to P19. None were examined on behalf of the respondent-insurance company. The Tribunal on appreciation of the material on record, awarded total compensation of Rs.17,74,000/- with interest at the rate of 6% per annum from the date of petition till the date of realization. While awarding the above compensation, the Tribunal assessed the income of the deceased-Mohammed Munshid at Rs.11,000/- per month and added 40% of the assessed income towards future prospects and deducted 50% from the assessed income towards personal and living expenses of the deceased since deceased was bachelor and adopted multiplier as '18' taking note of the age of the deceased at 25 years as on the date of accident. The claimants not being satisfied with the compensation awarded by the Tribunal, are before this Court praying for enhancement of compensation.



4. Heard Sri. Chandrashekaraiah.B., learned counsel for the appellants and Sri. Ravi.S.Samprathi, learned counsel for the respondent-insurance company. Perused the entire appeal papers including the trial Court records.

5. Learned counsel Sri. Chandrashekaraiah.B., for the appellants-claimants would submit that the deceased was an engineering student and income of the deceased assessed by the Tribunal at Rs.11,000/- per month is on the lower side and he would submit that the Tribunal ought to have assessed the income of the deceased taking note of the fact that the deceased was studying engineering course in 6th semester. Learned counsel would further submit that in support of the contention that the deceased was studying engineering, Ex.P16-marks card of the deceased was placed on record. The Tribunal failed to appreciate the said fact and assessed the income of the deceased on the lower side. Learned counsel would further submit that on completion of engineering, the deceased would have earned initially anything between Rs.20,000/- to Rs.25,000/- per month and thus, he would pray for assessing the income of the deceased between Rs.20,000/-



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to Rs.25,000/- per month. Learned counsel further submits that the claimants are parents, sisters and brother of the deceased, who are also entitled for compensation on the head of 'loss of consortium'. Therefore, he would pray for allowing the appeal by enhancing the compensation.

6. Per contra, learned counsel Sri. Ravi.S.Samprathi for the respondent-insurance company would submit that the Tribunal has granted just compensation which needs no interference. Further, learned counsel would submit that the Tribunal has rightly assessed the monthly income of the deceased at Rs.11,000/- as the deceased was still a student of engineering as on the date of accident. Thus, he would pray for dismissal of the appeal.

7. Having heard the learned counsel for the parties and on perusal of the entire material on record, the points which falls for consideration are as follows:

- (i) *"Whether the Tribunal is justified in assessing the income of the deceased as engineering student at Rs.11,000/- per month?"*



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(ii) *"Whether the claimants would be entitled for enhanced compensation?"*

Answer to the above points would be in the 'Negative' and 'Affirmative' respectively for the following reasons:

8. The accident that occurred on 18.09.2020 involving motorcycle bearing Reg.No.KL-24-S-0150 and Lorry bearing Reg.No.TN-48-AU-5594 as well as the death of Mohammed Munshid, son of claimant Nos.1 and 2 is not in dispute in this appeal. The insurer has also admitted the issuance of insurance policy to the offending vehicle and its validity as on the date of accident. The claimants are in appeal not being satisfied with the quantum of compensation awarded by the Tribunal and with a prayer to enhance the compensation.

9. Learned counsel for the appellants contended that the monthly income of the deceased assessed by the Tribunal at Rs.11,000/- is on the lower side and he prays to assess the monthly income of the deceased on the higher side taking note of the fact that he was studying engineering in 6th semester. Admittedly, the deceased was aged 25 years and was studying



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in 6th semester engineering course as on the date of accident and to establish the same, the claimants have placed on record Ex.P16, Notarized Copy of semester marks card. Those marks cards amply establish that the deceased was an engineering student. If the deceased had completed his engineering, he would have earned much more than monthly notional income assessed by the Tribunal at Rs.11,000/- per month. In the absence of any concrete material to determine qualified persons income, this Court would have to determine the income by guess work. The Co-ordinate Benches of this Court as well as the Hon'ble Apex Court in catena of decisions has assessed the income of an engineering student or medical student between Rs.20,000/- to Rs.30,000/- per month, depending on the facts and circumstances of each case. Therefore, in the instant case, we deem it appropriate to assess the income of the deceased, who was 6th semester engineering student at Rs.20,000/- per month. The Tribunal has rightly added 40% of the assessed income towards future prospects and rightly deducted 50% from the assessed income towards personal and living expenses since the deceased was a bachelor and as he was aged 25 years



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as on the date of accident, the Tribunal has rightly adopted multiplier '18'. Hence, on the head of 'loss of dependency' the claimants are entitled for Rs.30,24,000/- ($20,000 + 40\% = 28,000 - 50\% = 14,000 \times 12 \times 18 = 30,24,000$). Further, the claimants are parents, sisters and brother of the deceased and have lost love and affection of the deceased, each of the them are entitled for Rs.40,000/- under the head 'loss of consortium'. The Tribunal has rightly awarded Rs.15,000/- each on the heads of 'loss of estate' and 'funeral expenses', which needs no interference. Thus, in all, the claimants are entitled for the following modified compensation:

1.	Loss of Dependency ($20,000 + 40\% = 28,000 - 50\% = 14,000 \times 12 \times 18 = 30,24,000$)	30,24,000/-
2.	Loss of Consortium ($40,000 \times 5 = 2,00,000$)	2,00,000/-
3.	Loss of Estate	15,000/-
4.	Funeral Expenses	15,000/-
	Total	32,54,000/-

10. In view of the above, the appellants-claimants would be entitled for the modified/enhanced compensation of **Rs.32,54,000/-** and the interest, apportionment and deposit



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as ordered by the Tribunal is maintained. Accordingly, appeal is
allowed-in-part.

The trial Court records be sent back forthwith.

**SD/-
(S.G.PANDIT)
JUDGE**

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

SMJ
List No.: 1 Sl No.: 49