



CNR: KAHC010555752026

NC: 2026:KHC:49065
MFA No. 5752 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5752 OF 2026
(MV-D)

BETWEEN:

1. NANDINI L.
W/O LATE SWAMIRJA S. @ SHAMSUNDAR @
SWAMIRAJU,
AGED ABOUT 27 YEARS,
AGRICULTURAL COOLIE
AND HOUSEHOLD WORK.
2. MANMITHA
D/O LATE SWAMIRJA S. @ SHAMSUNDAR @
SWAMIRAJU,
AGED ABOUT 7 YEARS,
SINCE MINOR, THE APPELLANT NO.2 IS REP. BY
HER MOTHER NANDINI L. - APPELLANT NO.1,
3. SIDDAPPA M.K.
S/O LATE KARIYAPPA,
AGED ABOUT 71 YEARS,
AGRICULTURAL COOLIE,

ALL APPELLANTS/PETITIONERS ARE
R/AT NO.100,
MUDUVALA, VAKMIKI STREET,
HARNAHALLOI POST,
SHIVAMOGGA TALUK - 577 416.

...APPELLANTS

(BY SRI. ASHWATH C.M., ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. ZIYAULLA HAQ
S/O MOHAMMED SHABBIR SAB,
AGED ABOUT 43 YEARS,
DRIVER OF LORRY BEARING NO.KA-14/B-3661,
R/O HITHALA VILLAGE,
SHIKARIPURA TALUK,
SHIVAMOGGA DISTRICT - 577 427.
2. MOHAMMED BASHEER
S/O MOHAMMED SAB,
AGED ABOUT 25 YEARS,
OWNER OF LORRY BEARING NO.KA-14/B-3661,
R/O MALLAPURA VILLAGE,
SHIVAMOGGA TALUK - 577 416.
3. THE NEW INDIA ASSURANCE CO. LTD,
UNITED INDIA INSURANCE CO. LTD.,
BRANCH OFFICE, SHIVAMOGGA,
INSURER OF LORRY BEARING
REG.NO.KA-14/B-3661,
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI. B.C. SHIVANNEGOWDA, ADVOCATE FOR R3,
VIDE ORDER DATED 11.08.2026, NOTICE TO R1 & R2
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 24-11-2023 PASSED IN MVC
NO.322/2020 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND CJM C/C. ADDITIONAL SENIOR CIVIL JUDGE AND
JMFC AND MEMBER, AMACT, SHIVAMOGGA, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.



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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimants seeking enhancement of compensation awarded in the Judgment and Award dated 24.11.2023 passed in MVC No.322/2020 by the Additional Senior Civil Judge and CJM and Member, AMACT, Shivamogga.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellants and learned counsel for respondent No.3/insurer, the matter is taken up for disposal.

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of Swamiraja S. Shyamsundar @ Swamiraju in a road traffic accident occurred on 11.11.2018 contending that the



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accident occurred due to rash and negligent driving by the driver of Lorry bearing registration No.KA-14/B-3661.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 20,94,400/-
2.	Loss of consortium	Rs. 1,20,000/-
3.	Loss of estate	Rs. 15,000/-
4.	Transportation of dead body and funeral expenses	Rs. 15,000/-
	Total	Rs. 22,44,400/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.3/insurer to pay the compensation awarded with interest. The claimants have filed the present appeal seeking enhancement of compensation.



6. Heard the learned counsel for appellants and learned counsel for respondent No.3/insurer.

7. The accident occurred on 11.11.2018 and as on the date of accident, the deceased was aged twenty eight (28) years. Considering the said aspect, the Tribunal has rightly applied Multiplier '17'. The Tribunal considering that the claimants are wife, minor daughter and father i.e., three (03) dependants has rightly deducted 1/3rd towards personal expenses of the deceased.

8. The Tribunal has taken income of the deceased at Rs.11,000/- per month. The deceased was a Driver and his Driving License is at Ex.P13. As per Ex.P13, he is authorised to driver Light Motor vehicle, Transport vehicle, PSV Bus and hazardous vehicle. The claimants contended that the deceased was getting salary of Rs.30,000/- per month. In order to establish the same, P.W.3 has been examined and he has stated that the deceased was working in his Lorry bearing registration No.KA-14-A-2641



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since three (13) months prior to his death and he was paying Rs.30,000/- per month. Ex.P16 is the Pay Certificate issued by P.W.3 wherein it is stated that P.W.3 was paying Rs.30,000/- per month to the deceased. The Tribunal has not believed the evidence of P.W.3 and the certificate - Ex.P16 on the ground that no other document is produced to indicate the payment of Rs.30,000/-. The claimants have not produced any document to indicate that P.W.3 was owning Lorries. Considering the said aspect, the income of the deceased cannot be taken at Rs.30,000/-. The deceased was holding Driving License to drive Transport vehicle, PSV Bus and hazardous vehicle. Therefore, the income of the deceased is to be taken at Rs.20,000/- per month. In view of the same, loss of dependency is calculated as under:

$$\begin{aligned} & \text{Rs.20,000/-} + 40\% (\text{Rs.8,000/-}) = \text{Rs.28,000} \times 12 = \\ & \text{Rs.3,36,000/-} - \frac{1}{3}\text{rd} = \text{Rs.2,24,000/-} \times 17 = \\ & \text{Rs.38,08,000/-} \end{aligned}$$



9. The claimants are entitled to loss of dependency of Rs.38,08,000/- as against Rs.20,94,400/- awarded by the Tribunal.

10. The Tribunal has rightly awarded compensation under conventional heads and the claimants are not seeking enhancement on conventional heads.

11. Considering all the above aspects, the claimants are entitled to an enhanced compensation of Rs.17,13,600/- (Rs.38,08,000/- - Rs.20,94,400/-) with interest at the rate of 6% per annum from the date of petition till realisation.

12. Respondent No.3/insurer is liable to pay the said enhanced compensation amount with interest.

13. The appellants/claimants are not entitled to interest for the delay period of 898 days in filing the appeal as per order dated 11.08.2026 passed on I.A.No.1/2026.



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14. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part**.*
- ii) *The appellants/claimants are entitled to enhanced compensation of Rs.17,13,600/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.3/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- iv) *The appellants/claimants are not entitled to interest for the delay period of 898 days in filing the appeal.*
- v) *The share of compensation among the appellants/claimants as determined by the Tribunal shall remains unaltered.*
- vi) *Claimant Nos.1 and 3 are entitled to release of their share in the entire enhanced compensation with interest.*



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vii) The share of claimant No.2 - minor shall be kept in Fixed Deposit in her name till she attains majority.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 57