



CNR: KAHC010565302023

NC: 2026:KHC:45552
MFA No. 7284 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 7284 OF 2023 (MV-D)

BETWEEN:

SMT. DYLA
W/O SHIVALINGAPPA @ NAGARAJU,
AGED ABOUT 49 YEARS
R/A KADABAGALA VILLAGE,
KUNDURU HOBLI,
ALUR TALUK,
HASSAN DISTRICT.

SHIVALINGAPPA @ NAGARAJU
CHANNAPPAGOWDA
AGED ABOUT 57 YEARS (DEAD)

R/A KADABAGALA VILLAGE,
KUNDURU HOBLI, ALUR TALUK,
HASSAN DISTRICT

...APPELLANT

(BY SRI. GOVARDHAN S., ADVOCATE)

AND:

1. THE BRANCH MANAGER RELIANCE GENERAL
INSURANCE COMPANY
KRITHIKA ARCADE,
H.N. PURA ROAD,
NEAR N.R.CIRCLE,
HASSAN - 573 201.
2. MOHAN KUMAR R.O
S/O ODDARAJU ,
RANGENAHALLI VILLAGE,
ALUR TALUK,
HASSAN DISTRICT



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3. LOKESHA,
S/O LATE THIMMAIAH,
AGED ABOUT 40 YEARS,
R/AT KUPE VILLAGE ALUR TALUK,
HASSAN DISTRICT.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL, ADVOCATE FOR R1;
V/O DATED 19.08.2026, NOTICE TO R2 & R3 ARE D/W)

THIS MFA FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:23.08.2023 PASSED IN MVC NO.1483/2021 ON THE FILE OF THE MEMBER, ADDITIONAL MACT, ADDITIONAL SENIOR CIVIL JUDGE, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION IN TIME.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation arising out of judgment and award dated 23.08.2023 in MVC.No.1483/2021 passed by the Additional Senior Civil Judge and Additional Motor Accident Claims Tribunal, Hassan¹.

¹ "Tribunal" for short



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2. Parties are referred to as per their ranking before the Tribunal.

3. In an unfortunate accident occurred on 04.08.2021, son of claimants by name Sugath suffered fatal injuries and succumbed to the injuries, involving offending car bearing Registration No.KA-04-MK-9013. The Tribunal after considering the material placed on record awarded total compensation of Rs.20,35,600/- along with 6% interest from the date of petition till realization. Considering the income of the deceased at Rs.13,000/- and adding 40% to the said income awarded total compensation of Rs.19,65,600/- under the head loss of dependency, under consortium the Tribunal has granted filial consortium only in respect of one of the claimant. However, the fact remains that at the time of filing of the petition, the father was alive and he died subsequently. This judgment and award passed by the Tribunal is called in question by the survived claimant in this appeal.



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4. Heard Sri.Govardhan.S, learned counsel for claimant and Sri.Ashok N.Patil, learned counsel for respondent No.1. Vide order dated 19.08.2026, notice to respondent Nos.2 and 3 is dispensed with.

5. Sri.Govardhan.S, with all vehemence submits that the Tribunal has considered the income of the deceased at Rs.13,000/- in respect of accident occurred in the year 2021. As per the chart prepared by Karnataka State Legal Services Authority for settlement of claims before it, the income fixed for the year 2021 is Rs.15,000/- and sought to consider the same while calculating loss of dependency. The Tribunal has not awarded parental consortium to another parent though he was alive when the claim petition was filed. He further submits that the claimants are also entitled for 10% escalation on the conventional head in view of the law laid down by the in the case of ***NATIONAL INSURANCE COMPANY LIMITED VS.***



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PRANAY SETHI². He further submits that the interest awarded at the rate of 6% per annum is very meager and sought to enhance it by another 3% i.e., to 9%.

6. Sri.Ashok.N.Patil refuting the submissions of learned counsel for the appellant argued in support of Judgment of the Tribunal submits that though the Insurer is not in appeal, but the fact remains that the insurance policy was issued on the very same day i.e., on 04.08.2021. However, the insurance company has already settled the liability and sought to dismiss the appeal.

7. Having considered the rival submissions this Court perused the entire appeal paper.

8. From the judgment it appears that the Tribunal has considered the income at Rs.13,000/- per month for the year 2021. But, as per the chart stated supra, the income fixed for the year 2021 is Rs.15,000/- per month, in the

² (2017) 16 SCC 680



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absence of any proof of income in respect of unskilled labour. Nothing has been placed by the claimants to show the income of the deceased, except RTC Extracts at Ex.P10 to 14, to contend that he was growing vegetables in the land. (Earlier to the accident, he was working in the Prosecution Department as Dalayath and earning Rs.13,800/-).

9. It is observed that the Tribunal has granted Rs.40,000/- towards loss of consortium with respect to mother. However, not granted any compensation to the father, though he was alive at the time of filling of claim petition and he was also the claimant. In that view of the matter, the amount of Rs.40,000/- would be an estate to the claimant No.1. Further, the claimant is also entitled for 10% escalation of one term of three completed years on the conventional head. In view of non-filing of the appeal by the insurer, calling in question the liability, on the contention of Sri.Ashok N.Patil, on the date of Insurance



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Policy is liable to be rejected and according, is rejected. Further, no special case has been made out to award higher percentage of interest. Accordingly, the interest granted by the Tribunal is maintained.

10. For the foregoing reasons this Court proceeds to reassess the compensation which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	19,65,600-00	22,68,000-00 (15,000+40% $\times$ 12 $\times$ 18 $\times$ 50%)
2.	Loss of estate	15,000-00	15,000-00
3.	Funeral expenses	15,000-00	15,000-00
4.	Loss of consortium	40,000-00	80,000-00 (40,000 $\times$ 2)
5.	10% escalation on one term of three completed years.	-	11,000-00
	TOTAL	20,35,600-00	23,89,000-00

11. Accordingly, the claimant is entitled for enhanced compensation of Rs.3,53,400/- (Rs.20,35,600 -23,89,000) rounded off to **Rs.3,54,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realization.



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12. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 23.08.2023 passed by the Tribunal in MVC.No.1483/2021 is modified and enhanced to **Rs.3,54,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realization.
- (iii) Respondent No.1-Insurer shall deposit the entire enhanced compensation along with interest at the rate of 6% per annum stated supra within six weeks from the date of receipt of copy of this order, before the concerned Tribunal.



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(v) Upon deposit, the entire amount shall be released in favour of claimant No.1 on proper identification.

(vi) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 17