



CNR: KAHC010565342023

NC: 2026:KHC:37340-DB
MFA No. 7470 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

M.F.A. NO. 7470 OF 2023 (MV-D)

BETWEEN:

THE MANAGER
HDFC ERGO GIC. LTD.,
REGIONAL OFFICE, NO.2/1-1,
2ND FLOOR, 11TH MAIN,
JAYANAGAR, BANGALORE
NOW REP. BY ITS THE MANAGER
HDFC ERGO GIC. LTD.,
REGIONAL OFFICE #25/1,
2ND FLOOR, BUILDING NO.2
SHANKARANARAYANA BUILDING
M G ROAD, BANGALORE-560 001.

...APPELLANT

(BY SRI. PRADEEP B., ADV.)

AND:

1. SMT. MUNIRATHNAMMA
W/O MUNIYAPPA
AGED ABOUT 41 YEARS

2. MASTER VISHWAS
S/O LATE MUNIYAPPA
AGED ABOUT 18 YEARS

BOTH ARE R/AT GANDARAJAPURA VILLAGE
THUBUGERE HOBI,
DODDABALLAPURA TALUK
BANGLAORE RURAL DISTRICT.

3. BALAKRISHNA A S/O AVALAPPA
R/O HUNEGALLU
GUNDLAGURKI VILLAGE

Digitally signed by
NANJUNDACHARI
Location: High
Court of Karnataka



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CHIKKABALLAPURA TALUK
CHIKKABALLAPURA DISTRICT.

...RESPONDENTS

(BY SRI. V SHIVAKUMAR, ADV. FOR R3
R1 AND R2- SERVED)

THIS APPEAL IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 24.05.2023 PASSED IN MVC NO.59/2021 ON THE FILE OF THE 4TH ADDITIONAL DISTRICT AND SESSIONS JUDGE, DODDABALLAPURA, BENGALURU RURAL DISTRICT, AWARDING COMPENSATION OF RS.31,43,888/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE DATE OF REALIZATION.

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

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 insurer is in appeal questioning the quantum of compensation granted to respondents/claimants under the judgment and award dated 24.05.2023 in MVC.No.59/2021 on the file of the IV Additional District and Sessions Judge, Doddaballapura (for short, 'the Tribunal').

2. Heard the learned counsel Sri.B.Pradeep for appellant/insurer and learned counsel Sri.V.Shivakumar for



respondent No.3. Perused the appeal papers as well as the Tribunal records.

3. Learned counsel for the appellant would submit that the insurance company in this appeal is not disputing the accident or the manner of accident. However, it is submitted that the insurance company in the present appeal is disputing the quantum of compensation. Learned counsel Sri.B.Pradeep would submit that the deceased was aged 18 years and was unmarried. The claimants are mother and brother of the deceased. It is submitted that the Tribunal committed grave error in adapting deduction of 1/3rd instead of 50%, since the deceased was a bachelor.

4. Further, learned counsel for the appellant/insurer would submit that the Tribunal committed grave error in awarding Rs.50,000/- on the head of 'loss of estate' and Rs.1,00,000/- on the head of 'loss of love and affection'. Learned counsel would submit that in terms of the decision of Hon'ble Apex Court in the case of **NATIONAL**



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INSURANCE COMPANY LIMITED VS. PRANAY SETHI & OTHERS¹, the claimants would be entitled for only Rs.15,000/- towards 'loss of estate' and further submits that the claimants would not be entitled for compensation on the head of 'loss of love and affection'. However, learned counsel would submit that both the claimants would be entitled for Rs.40,000/- each on the head of 'consortium'. Learned counsel would submit that the notional income assessed by the Tribunal at Rs.14,750/- is on the higher side, as the notional income fixed by the Karnataka State Legal Services Authority for the year 2020 is Rs.14,500/- p.m. Thus, he would pray for re-assessing the notional income of the deceased.

5. Having heard the learned counsel appearing for the parties and on perusal of the entire appeal papers, the following points would arise for our consideration:

¹ AIR 2017 SC 5157



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- a) *Whether the monthly income of the deceased assessed by the Tribunal at Rs.14,750/- is proper and correct?*
- b) *Whether the Tribunal is justified in deducting 1/3rd towards personal and living expenses of the deceased, as he was a bachelor?*

6. Answer to the above points would be in the Negative for the following reasons:

The claimants have not placed on record any material to establish the income of the deceased. In the absence of any material to establish the monthly income, it is for the Tribunal to assess income notionally. The notional income fixed by the Karnataka State Legal Service Authority for the accident of the year 2020 is Rs.14,500/-. As such, the Tribunal is not justified in assessing the notional income of the deceased at Rs.14,750/- p.m. Taking note of the notional income chart prepared by the Karnataka State Legal Service Authority, we re-assess the notional monthly income of the deceased at Rs.14,500/- p.m.



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7. The deceased was aged 18 years and he was a bachelor. Therefore, the Tribunal could not have deducted 1/3rd towards the personal and living expenses of the deceased. In terms of **SARLA VERMA AND OTHERS v/s DELHI TRANSPORT CORPORATION AND ANOTHER²**, for a bachelor, deduction would be 50% towards personal and living expenses. Therefore, we deem it appropriate to deduct 50% of the assessed income towards personal and living expenses of the deceased. In view of the above, claimants would be entitled for the following modified compensation on the head of 'loss of dependency' as under:

$$\text{Rs.}(14500+5800-50\%) \times 12 \times 18 = \text{Rs.}21,92,400/-.$$

8. The Tribunal committed a grave error in awarding Rs.50,000/- towards 'loss of estate' and a sum of Rs.1,00,000/- on the head of 'love and affection'. The claimants would be entitled for Rs.15,000/- towards 'loss

² AIR 2009 SC 3104



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of estate' in terms of **PRANAY SETHI** (supra). The claimants would be entitled for Rs.40,000/- each towards 'consortium'. Thus, the claimants would be entitled for the following modified compensation:

Sl.No.	PARTICULARS	AMOUNT
1.	Loss of dependency	Rs. 21,92,400/-
2.	Loss of consortium (Rs.40,000 each)	Rs. 80,000/-
3.	Loss of estate	Rs. 15,000/-
4.	Transportation and Funeral expenses	Rs. 20,000/-
	TOTAL	Rs. 22,07,400/-

9. Thus, the claimants would be entitled to a total compensation of Rs.22,07,400/- as against Rs.31,43,888/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till date of realization.

10. In the result, we proceed to pass the following:

ORDER

- a) Appeal is allowed in part.
- b) The impugned judgment and award of the Tribunal is modified holding that the claimants would be entitled to total compensation of Rs.22,07,400/- as against Rs.31,43,888/- awarded by the Tribunal.



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- c) The entire compensation amount shall carry interest at the rate of 6% per annum from the date of petition till date of realization.
- d) The respondent-Insurance Company shall deposit the entire compensation amount with accrued interest before the Tribunal within four weeks from the date of receipt of certified copy of this judgment.
- e) Apportionment, deposit & disbursement shall be made as per the award of the Tribunal.
- f) The amount in deposit, if any, be transmitted to the concerned Tribunal forthwith along with Trial Court Records.
- g) Draw modified award accordingly.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.K.MANMADHA RAO)
JUDGE

NC
CT:bms