



CNR: KAHC010571612024

NC: 2026:KHC:49656
MFA No. 6489 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 6489/2024 (MV-D)

BETWEEN:

1. SMT MADEVI
W/O LATE PRAKASH,
NOW AGED ABOUT 37 YEARS
2. SRI P SUHAS
S/O LATE PRAKASH,
AGED ABOUT 26 YEARS
3. P SUSHMA
D/O LATE PRAKASH,
AGED ABOUT 22 YEARS

ALL ARE RESIDING AT
WARD NO.2, BEHIND PREETHI PUBLIC SCHOOL,
CHINTAMANI TALUK,
CHIKKBALLAPUR DISTRICT.

...APPELLANTS

(BY SMT. SUSHMITHA G.,ADVOCATE)

AND:

1. SRI SIDDIQ PASHA
S/O BABU
MAJOR IN AGE
RESIDENT OF WARD NO.15,
GANDHI NAGAR, SIDLAGATTA TOWN,

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K B GEETHA

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signed by
REKHA R
Location:
HIGH COURT
OF
KARNATAKA



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CHIKKABALLAPUR DISTRICT - 562105.

2. THE ORIENTAL INS. CO. LTD.,
REGIONAL OFFICE, NO.44/45, 4TH FLOOR,
LEO SHOPPING COMPLEX, RESIDENCY ROAD CROSS,
BENGALURU - 560025
REP BY ITS MANAGER

...RESPONDENTS

(BY SMT.GEETHA RAJ, ADVOCATE FOR R2;
V/O DTD: 19.02.2025 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.07.2022 PASSED IN MVC NO.3976/2020 ON THE FILE OF THE XVIII ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU SCCH-17, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE GEETHA K.B.

ORAL JUDGMENT

1. This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'M.V. Act') by the claimants not satisfied with the compensation amount awarded in M.V.C.No.3976/2020 dated 02.07.2022 on the file of XIX Additional Judge and Motor Accident Claims Tribunal, Court of Small

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Causes Bengaluru (SCCH-17) (for short, 'the Tribunal').

2. Parties would be referred with their ranks, as they were before the Tribunal for the sake of convenience and clarity.
3. The facts established before the Tribunal are that, the husband of claimant No.1 who is father of claimant Nos.2 and 3 met with road traffic accident on 16.06.2020 at 05.30 a.m., when he was pedestrian involving motorcycle bearing registration No.KA-40/EE-7931 at Chintamani-Shidlaghatta Road, Chintamani Taluk, Chikkaballapura District. Immediately after the accident, claimant was shifted to Government Hospital, Chintamani and then referred to NIMHANS Hospital, Bangalore and in the course of taking treatment, he succumbed to the injuries sustained by him. Hence, claimed

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compensation under different heads before the Tribunal.

4. Respondent No.2-the Insurance Company of the offending vehicle appeared before the Tribunal and filed its formal objections.
5. After framing of issues, recording evidence and hearing arguments of both sides, the Tribunal came to the conclusion that the claimants are entitled for total compensation of Rs.19,70,000/- with interest at 6% per annum from the date of petition till payment under following heads:

1	Loss of dependency	Rs.15,08,000/-
2	Loss of future prospects	Rs.3,77,000/-
3	Loss of consortium	Rs.40,000/-
4	Loss of love and affection	Rs.25,000/-
5	Funeral Expenses	Rs.15,000/-
6	Transport of dead body	Rs.5,000/-
	Total	Rs.19,70,000/-

6. Not satisfied with the said compensation, the claimants are before this Court.

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7. Heard arguments.
8. The learned counsel for the appellants Ms. Sushmitha.G would submit that the Tribunal has not awarded compensation properly on conventional heads and hence, prayed for reassessing the compensation under the conventional heads.
9. The learned counsel for respondent No.2 Smt. Geetha Raj would submit that, the compensation awarded by the Tribunal is just and reasonable and requires no interference.
10. Having heard arguments of both sides and verifying appeal papers the point that arises for consideration is:

"Whether the claimants are entitled for enhancement of compensation?"

11. Finding of this Court is in '**Affirmative**' for the following:

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REASONS

12. It is not in dispute that the husband of claimant No.1 and father of claimant Nos.2 and 3 died due to road traffic accident that has taken place involving the offending motorcycle belonging to respondent No.1 which is duly insured with respondent No.2.
13. The Tribunal has made calculation in respect of 'loss of dependency' and 'loss of future prospects' in an appropriate manner, which requires no interference. However, the Tribunal has not awarded the parental consortium to claimant Nos. 2 and 3; instead of that, it has awarded only Rs.25,000/- towards 'loss of love and affection'. The compensation under said head is inadequate. As per the judgment of Hon'ble Apex Court in ***National Insurance Company Ltd., v/s Pranay Sethi & Others***¹ and ***Magma General Insurance Co Ltd Vs. Nanu Ram Alias Chuhru***

¹ (2017) 16 SCC 680



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Ram & Ors², the claimants Nos. 1 to 3 are entitled for compensation towards 'loss of consortium' i.e. spousal and parental consortium at Rs.40,000/- each with 10% plus 10% escalation charges; they are also entitled for Rs.15,000/- with 10% plus 10% escalation charges each under the heads 'loss of estate' and 'funeral expenses and transportation of dead body'. Thus, the claimants are totally entitled for **Rs.20,66,500/-** as under:

1	Loss of dependency	Rs.15,08,000/-
2	Loss of future prospects	Rs.3,77,000/-
3	Loss of consortium	Rs.1,45,200/-
4	Loss of Estate	Rs.18,150/-
5	Transport of dead body and funeral Expenses	Rs.18,150/-
	Total	Rs.20,66,500/-

14. Hence, this Court passes the following:

² 2018 ACJ 2782



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ORDER

- a. The appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***allowed in part.***
- b. Judgment and award dated 02.07.2022 passed in MVC No. 3976/2020 on the file of XIX Additional Judge and Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-17) is modified holding that the claimants are entitled for total compensation of **Rs.20,66,500/-** as against Rs.19,70,000/- awarded by the Tribunal.
- c. The enhanced compensation shall carry interest at 6% per annum from the date of petition till realization.
- d. Appellants-Claimants are not entitled for interest for the delayed period of 694 days as per order dated 10.04.2026.

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- e. The Insurance Company shall deposit the compensation amount with accrued interest before the Tribunal within the period of eight weeks from the date of receipt of certified copy of this judgment.
- f. Apportionment, disbursement and deposit shall be as per the award of the Tribunal.
- g. No order as to costs.
- h. Draw modified award accordingly.

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(GEETHA K.B.)
JUDGE

SPV
List No.: 1 SI No.: 36