



CNR: KAHC010578262024

NC: 2026:KHC:43318
MFA No. 6673 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.6673 OF 2024(MV-I)

BETWEEN:

SRI. D.K. HEMANTH KUMAR,
(SINCE DEAD BY HIS LRS),
S/O. LATE D.K. BASAPPA,
SINCE DEAD BY HIS LRS.,

1. SMT. D.H. NETHRAVATHY,
AGED ABOUT 66 YEARS,
W/O. LATE D. B. HEMANTH KUMAR,
R/AT HERUR VILLAGE,
SUNTICOPPA HOBLI,
KUSHAL NAGAR TALUK,
KODAGU.
2. SMT. D.H. BHAGYALAKSHMI,
AGED ABOUT 41 YEARS,
W/O. SRI. S. PRADEEP,
D/O. LATE D.B. HEMANTH KUMAR,
R/AT NO. 509/A,
MOKSHA MARGA,
7TH CROSS, SIDDARTH NAGAR,
MYSORE - 570 011.
3. SMT. D. H. CHAYADEVI,
AGED ABOUT 39 YEARS,
W/O. SRI. UDAYA RAVI,
D/O. LATE D.B. HEMANTH KUMAR,
R/AT NO. 82/2, 5TH CROSS,
THYAGARAJA ROAD,
K.R. MOHALLA,
MYSORE.

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



NC: 2026:KHC:43318
MFA No. 6673 of 2024

CNR: KAHC010578262024

4. SMT. D. H. DHANALAXMI,
AGED ABOUT 38 YEARS,
D/O. LATE D. B. HEMANTH KUMAR,
R/AT HERUR VILLAGE,
SUNTICOPPA HOBLI,
KUSHAL NAGAR TALUK,
KODAGU.
5. SMT. D.H. MADHURA KUMARI,
AGED ABOUT 33 YEARS,
W/O. SRI. RADHAKRISHNA,
D/O. LATE D.B. HEMANTH KUMAR,
R/AT HERUR VILLAGE,
SUNTICOPPA HOBLI,
KUSHAL NAGAR TALUK,
KODAGU.
6. SRI. D.H. CHANDRASHEKAR,
AGED ABOUT 31 YEARS,
S/O. LATE D.B. HEMANTH KUMAR,
R/AT HERUR VILLAGE,
SUNTICOPPA HOBLI,
KUSHAL NAGAR TALUK,
KODAGU.
[NOTE:GPA HOLDER FOR A1 TO A5 IS
SRI. D.H. CHANDRASHEKAR A6]

...APPELLANTS

(BY SRI. RAVISHANKAR C.R., ADVOCATE)

AND:

1. SRI. K.P. VIJAYASARATHI,
AGED ABOUT 56 YEARS,
S/O. SRI. PUTTARAMAIAH,
R/AT NO. 227, DODDAKOTTAGERE,
V. CHANDAGALU POST,
BASARALU HOBLI,
MANDYA TALUK,
MANDYA DISTRICT.



NC: 2026:KHC:43318
MFA No. 6673 of 2024

CNR: KAHC010578262024

2. KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
MANDYA DIVISION,
MANDYA,
REPRESENTED BY ITS
MANAGING DIRECTOR,
MANDYA,
MANDYA DISTRICT.
3. INTERNATIONAL INSURANCE CO. LTD.,
KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
MANDYA DIVISION,
MANDYA,
REPRESENTED BY ITS
MANAGING DIRECTOR.

...RESPONDENTS

(BY SRI.G.S. DABALI, ADVOCATE FOR R2 AND R3,
VIDE ORDER DATED 14.02.2025 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV
ACT,1988, AGAINST THE JUDGMENT AND AWARD
DATED:27.02.2024 PASSED IN MVC NO.219/2018 ON THE
FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT,
SOMAWARPETE, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

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



CNR: KAHC010578262024

ORAL JUDGMENT

This appeal by the legal representatives of the original claimant i.e., late D.K. Hemanth Kumar, assailing the judgment and award dated 27.02.2024 passed by the Senior Civil Judge and Additional MACT at Somawarpete in MVC.No.219/2018.

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

3. Heard Sri. Ravishankar C.R, learned counsel appearing for the appellant and Sri. F.S.Dabali, learned counsel appearing for the Corporation. Vide order dated 14.02.2025, notice to respondent No.1 dispensed with.

4. Sri.Ravishankar C.R, with all vehemence submits that the claimant, a septuagenarian has suffered injuries to his right hand in the accident, which subsequently turned fatal, resulting in his death three years there i.e., during the pendency of the claim petition. The Tribunal, without considering this aspect of the matter



CNR: KAHC010578262024

**NC: 2026:KHC:43318
MFA No. 6673 of 2024**

awarded an inadequate compensation of Rs.3,03,085/- wherein the medical expenses incurred comes to Rs.2,61,385/-. It is therefore, submitted that this Hon'ble Court may either enhance appropriate compensation or may remand the matter by providing an opportunity to the claimants to prove the case of death of the claimant, resulted due to the injuries suffered in the accident.

5. Per contra, Sri. F.S.Dabali, learned counsel appearing for the Corporation submits that, no documents were produced before the Tribunal to substantiate the contentions now sought to be raised. Admittedly, no post-mortem examination was conducted to ascertain whether the cause of death was attributable to the injuries sustained in the accident. In that view of the matter, the Tribunal having considered the fact that the deceased survived for nearly three years from the date of accident, has rightly awarded compensation of Rs.3,03,085/-. The compensation awarded is just and proper and does not call for any interference.



6. Having considered the rival submissions, this Court is of the opinion that the compensation awarded by the Tribunal is inadequate, as the medical expenses itself comes to Rs.2,61,385/-. It is not in dispute that the claimant met with an accident on 26.10.2017 and he died three years thereafter. It is not open for the Corporation to contend that the claimants are not entitled for enhanced compensation, only for the reason that there is no post-mortem report. The medical expenses incurred, as per the document, it is about Rs.2,61,385/-, this shows the gravity of the injury.

7. Considering the age of the original claimant, who was 70 years aged as on the date of accident, this Court is of the opinion that an additional sum of Rs.1,00,000/- is awarded, over and above the compensation awarded by the Tribunal, along with interest at the rate of 6% per annum, the same would meet the ends of justice, instead of remanding the matter to the Tribunal, considering the age of the claim petition and the



fact that the accident occurred in the year 2017, this Court deems it appropriate to enhance the compensation stated afore, accordingly.

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

ORDER

- i) The appeal is ***allowed in part.***
- ii) The compensation is re-determined as ***Rs.4,03,085/-*** as against of Rs.3,03,085/-, which shall carry interest at the rate of 6% per annum from the date of petition till realization by modifying the judgment and award dated 27.02.2024 passed by the Senior Civil Judge and Additional MACT, Somawarpete in MVC.No.219/2018.
- iii) The respondent-Corporation shall deposit entire compensation along with interest stated supra before the concerned Tribunal



NC: 2026:KHC:43318
MFA No. 6673 of 2024

CNR: KAHC010578262024

within six weeks from the date of receipt of copy of this order.

- iv) On deposit, entire amount shall be released in favour of the appellants on proper identification in equal proportion, after deducting the delayed period of 125 days.
- v) The Trial Court record is be returned forthwith without any further delay.

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 SI No.: 34