



CNR: KAHC010581142025

NC: 2026:KHC:45206
MFA No. 6552 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 6552 OF 2025

(MV-D)

BETWEEN:

1. SRI.T.P.RACHACHARI
S/O LATE PUTTARACHACHARI
AGE 59 YEARS.
2. SMT. P SHOBHA
S/O T.P RACHACHARI
AGE 47 YEARS.
3. SRI HEMANTHKUMER R
S/OT.P.RACHACHARI
AGE 26 YEARS.

ALL ARE R/AT
JAKKEGOWDANADODDI VILLAGE
SATHANOR HOBLI, KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562 117.

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

...APPELLANTS

(BY SRI. PRAKASH M H, ADVOCATE)

AND:

1. SRI.THIMMABOVI
S/O DODDABOVI
AGE: MAJOR
R/AT: MUNIYABOVIDODDI VILLAGE,



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GUTHALAHUNASE POST
KANAKAPURA TALUK
RAMANAGARA DIST. – 562 117.

2. CHOLA MS GEN. INS.CO.LTD.,
OFFICE AT UNIT NO.04, 9TH, FLOOR,
LEVEL -06, GOLDEN HEIGHTS COMPLEX
59TH C CROSS, ROAD 4TH M BLOCK
INDUSTRIAL SUBURB
RAJAJINAGARA
BANGALORE – 560 010.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY, N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
NOTICE TO R1 IS D/W V/O DTD. 30.1.2026)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:28.02.2025
PASSED IN MVC No.2021/2024 ON THE FILE OF THE IX
ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL
CAUSES, MEMBER, MACT-7, BENGALURU,(SCCH-7),
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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 appellants/claimants
seeking enhancement of compensation awarded in
judgment and award dated 28.02.2025 passed in MVC



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No.2021/2024 by the IX Additional Small Causes Judge,
Court of Small Causes, Member, MACT-7, Bengaluru.

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

3. The appellants/claimants made a claim petition praying to award compensation for the death of Rajeev in a road traffic accident occurred on 18.02.2024 contending that the accident occurred due to rash and negligent driving of the driver of Tractor and Trailer bearing Regn.No.KA-51-D-5236 and KA-51-D-5237. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	22,49,100/-
02.	Funeral expenses	15,000/-
03.	Loss of estate	15,000/-
04.	Loss of filial consortium	1,20,000/-
05.	Loss of love and affection	1,50,000/-



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06.	Hospital and medical expenses	2,99,327/-
	Total	28,48,427/-

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

5. Heard learned counsel for the appellants and learned counsel for respondent No.2/insurer.

6. Learned counsel for appellants would contend that deceased was running automobile mechanic shop and had obtained license from the panchayath, a copy of which is produced at Ex.P22. In spite of that the Tribunal has taken notional income. The Tribunal has not considered the escalation at 20% on conventional heads. With this he prayed to allow the appeal.

7. Learned counsel for respondent No.2/insurer would contend that claimants have not produced any



document to indicate the income of the deceased and considering the same, the Tribunal has rightly taken the notional income. The compensation awarded by the Tribunal on all heads is just and proper and there are no grounds for enhancement. With this he prayed to dismiss the appeal.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 18.02.2024 and as on the date of accident, the deceased was aged 28 years. Even though it is contended that the deceased was running automobile mechanic shop by obtaining license as per Ex.P22, but what was the income of the deceased has not been placed on record. Considering the said aspect, the notional income of the deceased has to be taken. The Tribunal has taken notional income at Rs.15,750/-. As per chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2024 is



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Rs.17,000/- and the same has to be taken. The Tribunal has rightly added 40% towards future prospects, deducted 50% towards personal expenses of the deceased since he was a Bachelor and applied multiplier '17' considering the age of the deceased as 28 years. In view of the above, the loss of dependency is calculated as under:

$$\text{Rs.17,000} + 40\%(6,800) = \text{Rs.23,800} - 50\% = \text{Rs.11,900/-}$$

$$\text{Rs.11,900} \times 12 \times 17 = \text{Rs.24,27,600/-}$$

10. The claimants are the parents and brother of deceased and they are entitled to consortium in a sum of Rs.40,000/- with 20% escalation i.e. $\text{Rs.48,000} \times 3 = \text{Rs.1,44,000/-}$ as against Rs.1,20,000/- awarded by the Tribunal. As the consortium is awarded, the claimants are not entitled to loss of love and affection separately awarded in a sum of Rs.1,50,000/-. Even though the Tribunal has awarded funeral expenses and loss of estate but not added 20% escalation. Therefore, the claimants are entitled to funeral expenses of Rs.18,000/- and loss of



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estate at Rs.18,000/-. The Tribunal has rightly awarded medical expenses.

11. In view of the above, the claimants are entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	24,27,600/-
02.	Loss of consortium	1,44,000/-
03.	Funeral expenses	18,000/-
04.	Loss of estate	18,000/-
05.	Medical expenses	2,99,327/-
	Total	29,06,927/-

12. Considering the above aspects, the claimants are entitled to total compensation of Rs.29,06,927/- as against Rs.28,48,427/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Consequently, the claimants are entitled to enhanced compensation of Rs.58,500/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:



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ORDER

- i) The appeal is allowed in part.
- ii) The appellants/claimants are entitled to enhanced compensation of Rs.58,500/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Claimant No.1 is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 2 Sl No.: 38
Ct.sm