



CNR: KAHC010592822025

NC: 2026:KHC:50709
MFA No. 6698 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6698 OF 2025

(MV-D)

BETWEEN:

SMT.S.RAJALAKSHMI
W/O R MADHUSUDHAN
AGED ABOUT 35 YEARS
R/AT No.2, 2ND CROSS
BANJARA LAYOUT, KALKERE
NEAR OM SHAKTHI TEMPLE
BENGALURU NORTH-560 043.

...APPELLANT

(BY SRI. GURUDEVA PRASAD K T, ADVOCATE)

AND:

1. M/S ICICI LOMBARD MOTOR INS. CO.LTD.,
(DELETED)
2. THE HEAD MASTER
CAMBRIDGE SCHOOL
BASAVANAPURA MAIN ROAD
K.R.PURAM
BENGALURU-560 036.

...RESPONDENTS

(BY SRI. P S JAGADISH, ADVOCATE FOR R1
R2- SERVED BUT UN-REPRESENTED)

PADMASHREE
SHEKHAR
DESAI

Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:2.04.2024 PASSED IN MVC No. 6575/2022 ON THE FILE OF THE XV ADDITIONAL SMALL CAUSES JUDGE, AND XXIII ACMM, MAYO HALL UNIT, BENGALURU, MACT, BENGALURU,(SCCH-19),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

1. This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award dated 02.04.2024 passed in MVC No.6575/2022 by the XV Additional Small Causes Judge and Member, MACT, Bengaluru.

2. Even though the matter is listed for `Admission' today, with the consent of the learned counsel appearing for the appellant it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the death of



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Satyanarayana Sharma.S. in a road traffic accident that occurred on 11.10.2022, contending that the accident occurred due to the rash and negligent driving by the driver of School Bus bearing registration No.KA-53/B-5426. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of filial consortium	40,000/-
2	Towards medical expenses	35,088/-
3	Funeral and obsequies ceremonies	15,000/-
4	Loss of estate	15,000/-
Total		1,05,088/-

4. The Tribunal has also awarded interest at the rate of 6% per annum from date of petition till the date of realization and directed respondent – School to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded has filed the present appeal.



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5. Heard learned counsel for appellant. Respondent –school even after service notice remained absent and unrepresented.

6. The accident occurred on 11.10.2022 and as on the date of accident, the deceased was aged 60 years. Considering the age of the deceased, the multiplier applicable is '7'.

7. Learned counsel for appellant would contend that the Tribunal has not awarded compensation for loss of dependency on the ground that the claimant is married daughter. He submits that the Hon'ble Apex Court in the case of ***Manjuri Bera and Anr Vs Oriental Insurance Co. Ltd and Anr¹*** has held that even if the claimant is married daughter, the income is to be taken into consideration and 50% of the income is to be deducted and compensation is to be awarded for loss of dependency. As the accident occurred in the year 2022,

¹ In (2007) 10 SCC 634



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notional income fixed for the said year is Rs.15,500/- and the said income is to be taken. In view of the same, the loss of dependency/estate is calculated as under:

Rs.15,500/- less 50%= Rs.7,750/-x12x7= Rs.6,51,000/-.

8. The Tribunal has awarded the consortium and the funeral expenses, but has not added 10% escalation. Since accident is after 03 years of the decision of Hon'ble Apex Court in the case of **National Insurance Co. Ltd Vs Pranay Sethi and Ors²**, 10% is to be added to compensation awarded under conventional heads. Therefore, the claimant is entitled to consortium in a sum of Rs.44,000/- and funeral expenses of Rs.16,500/-. The claimant is not entitled to loss of estate as awarded by the Tribunal in a sum of Rs.15,000/-. The Tribunal has rightly awarded medical expenses of Rs.35,088/-.

9. In view of the above, the claimant is entitled to total compensation under various heads as under:

² In AIR 2017 SC 5157



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1	Loss of filial consortium	44,000/-
2	Towards medical expenses	35,088/-
3	Funeral and obsequies ceremonies	16,500/-
4	Loss of dependency/estate	6,51,000/-
Total		7,46,588/-

The claimant is entitled to total compensation of Rs.7,46,588/- as against Rs.1,05,088/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.6,41,500/- with interest at the rate of 6% per annum from the date of petition till realisation. The claimant is not entitled to interest for the delay period of 426 days in filing the appeal as per order dated 29.01.2026 passed on IA No.1/2025. Respondent –school is liable to pay the said enhanced compensation amount with interest.

10. In view of the above, the following

ORDER

i) The appeal is ***allowed in part.***



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- ii) The appellant -claimant is entitled to enhanced compensation of Rs.6,41,500/- with interest at the rate of 6% per annum from the date of petition till realisation.
- iii) The appellant -claimant is not entitled to interest for the delay period of 426 days in filing the appeal.
- iv) Respondent -school shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.
- v) The appellant -claimant is entitled to release of entire enhanced compensation amount.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 44
Ct.sm