



CNR: KAHC010593872023

NC: 2026:KHC:44710
MFA No. 7570 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.7570 OF 2023(MV-D)

BETWEEN:

1. VENKATAMMA
W/O LATE VENKATASWAMY,
AGED ABOUT 36 YEARS,
2. V. CHANDRU,
S/O LATE VENKATASWAMY,
AGED ABOUT 16 YEARS,
(NOW AGE IS 16 YEARS,
FOR THAT AADHAAR CARD
PRODUCED TO SHOW CORRECT AGE)
APPELLANT NO.2 IS MINOR
REP BY HIS N/G AND MOTHER
APPELLANT NO.1
R/A C.K. PALYA,
BANNERUGHATTA ROAD,
NEAR SALLAPURADAMMA TEMPLE,
SAKALAVARA,
BENGALURU – 560 083.

...APPELLANTS

(BY SRI. RAGHU R., ADVOCATE)

AND:

1. AUTHORIZED REPRESENTATIVE
IFFCO TOKIO GEN INS CO., LTD.,
NO.8/1, KAVERAPPA LAYOUT,
VASANTHANAGARA,
BENGALURU – 560 068.

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



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2. SRI. PRATHAP KUMAR,
S/O CHIKKAMAREGOWDA,
MAJOR,
R/A NO.115/10,
HALAPPA VATARA,
HOMMADEVANAHALI,
BANNERUGHATTA ROAD,
BENGALURU – 560 083.

...RESPONDENTS

(BY SRI. P.S. JAGADISH., ADVOCATE FOR R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 30.03.2023 PASSED IN MVC NO.2682/2021 ON THE FILE OF THE 12TH ADDITIONAL JUDGE AND A.C.M.M, SMALL CAUSES JUDGE, BENGALURU (SCCH-8), 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 T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation arising out of judgment and award dated 30.03.2023, in MVC.No.2682/2021 passed by the Motor



Accident Claims Tribunal and XII Additional and ACMM Court at Bengaluru (SCCH-8)¹.

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

3. Facts germane to file the present appeal are as under:

3.1 In an accident occurred on 09.04.2021, son of Smt.Venkatamma and sibling of Master V.Chandru, by name Prajwal, an adolescent, (17¹/₂ years), succumbed to the injuries. In the claim petition filed by the claimants, the Tribunal relying on the judgment of **KISHAN GOPAL AND ANOTHER VS. LAL AND OTHERS** in **Civil Appeal No.7137/2013** (Arising out of SLP(C)No.21139/2011) passed by the Supreme Court awarded a compensation of Rs.5,30,000/- along with interest at the rate of 9% per annum from the date of petition till realization and directed the Insurer to pay the award amount primarily with liberty

¹ "Tribunal" for short



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to recover the same from the insured for violation of policy conditions, in the absence of valid and effective driving license of driver of the offending vehicle/which is in violation of policy conditions.

4. Heard Sri.Raghu, learned counsel for the appellants/claimants and Sri.P.S.Jagadish, learned counsel for respondent No.1-Insurer.

5. It is not in dispute that the deceased was an adolescent aged 17 years 6 months as on the date of death.

6. Sri.Raghu with all vehemence submits that the Tribunal relying on the judgment of **Kishan Gopal** supra, wherein the case involved was death of a minor aged 10 years and awarded compensation of Rs.5,30,000/-, considering the notional income of the deceased. In the case on hand, the deceased was an adolescent aged 17 years 6 months and as per the judgment of Hon'ble Apex



Court, he has to be considered as an earning member as the Hon'ble Supreme Court fixed the multiplier of '18' in respect of the persons aged between 15-25. In that view of the matter, the same requires reconsideration towards awarding appropriate compensation under the head loss of dependency.

7. Further he submits that there is no discussion by the Tribunal regarding the personal deduction, though he was an unmarried, the facts of the case clearly show that father predeceased him and he was survived by his mother and under aged sibling, both are dependent on the earnings of the deceased. As per the judgment of the Hon'ble Supreme Court in **SARLA VERMA VS. DELHI TRANSPORT CORPORATION**², even in case of a bachelor, if it is shown that the father predeceased and the other siblings are dependent on the earnings of the deceased, instead of 50% deduction towards the personal

² (2009) 6 SCC 121



expenses, the Court can consider on the facts and circumstances of the case to deduct 1/3rd towards personal expenses and considering the facts and circumstances of the case sought to allow the appeal by awarding appropriate compensation.

8. Sri.P.S.Jagadish, though argued in favour of the judgment and award passed by the Tribunal, but he is not in serious dispute with the law declared by the Hon'ble Supreme Court in **Sarla Verma** supra. Further, he has fairly submitted that the judgment relied on by the Tribunal i.e., **Kishan Gopal** supra, wherein the claim petition was filed for the death of a minor, aged 10 years. However, he submits that since the deceased was a bachelor, 50% may be deducted towards his personal expenses and appropriate compensation may be allowed.

9. Having considered the rival submissions, this Court is of the opinion that in view of the law laid down by the Hon'ble Supreme Court, as far as considering the



multiplier as also considering $1/3^{\text{rd}}$ in case of a bachelor wherein it is shown that the father predeceased and other siblings are dependent on the earning of the deceased sibling, this Court finds some force in the argument of learned counsel appearing for the claimants.

10. Accordingly, this Court proceeds to hold that the deceased being an adolescent was an earning member and since the accident has occurred in the year 2021, the notional income fixed under the chart prepared by the Karnataka State Legal Services Authority at Rs.15,000/- per month is considered and after adding 40% taking into consideration the age of the deceased, further proposed to deduct only $1/3^{\text{rd}}$ towards personal expenses, in view of the fact that the father predeceased and the claimants i.e., mother and another under aged sibling depending on the income of the deceased. Further, this Court is of the opinion that the claimants are also entitled for compensation under other heads including 10% escalation



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on one term of three completed years on the conventional head, in view of law laid by the Hon'ble Supreme Court in ***Pranay Sethi's*** case.

11. Accordingly, this Court proceeds to re-assess the compensation which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	Awarded Global compensation	15,12,000-00 (15,000+40%x12x18x1/3)
2.	Loss of parental and filial consortium		80,000-00 (40,000x2)
3.	Loss of estate		15,000-00
4.	Funeral and obsequies expenses		15,000-00
5.	10% escalation on one term of three completed years.		11,000-00
	TOTAL	5,30,000-00	16,33,000-00

12. Accordingly, the claimants are entitled for enhanced compensation of **Rs.11,03,000/-** (Rs.16,33,000-5,30,000) which shall carry interest at the rate of 6% per annum from date of petition till realization.

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



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ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 30.03.2023 passed by the Tribunal in MVC.No.2182/2021 filed by the claimants is modified and enhanced to **Rs.11,03,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realization.
- (iii) The respondent No.1-Insurer is primarily liable to pay the enhanced compensation along with interested states supra before the concerned Tribunal within six weeks from the date of receipt of copy of this order, with liberty to recover the same from the insured as ordered by the Tribunal.
- (iv) Upon deposit, 30% of the amount shall be released in favour of claimants on proper



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identification and balance 70% shall be deposited equally in the name of claimant No.1 and 2 in an interest bearing FDR with any Nationalized Bank for a period of five years.

- (v) The bank shall not permit any loan on the fixed deposit amount without there being any order by the Tribunal/Court.
- (vi) The Registry is directed to transmit the trial Court record received if any, to the concerned Tribunal forthwith without causing any further delay.
- (vii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 4