



CNR: KAHC010615882025

NC: 2026:KHC:39929
MFA No. 6984 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6984 OF 2025
(MV-D)

BETWEEN:

1. SRI. SHANKAR B.
S/O BEERAPPA M.
NOW AGED ABOUT 57 YEARS.
2. SMT. KAVITHA N.
S/O SHANKAR B.,
NOW AGED ABOUT 47 YEARS.
3. SRI. LAKSHMAN KUMAR
S/O SHANKAR B
NOW AGED ABOUT 24 YEARS

ALL ARE RESIDING AT No.11
LAKSHMISAGAR STREET
VENKATAPPA LAYOUT, BEHIND KOTE TEMPLE
NEAR ITI COMPOUND, KRISHNARAJAPURAM
BENGALURU – 560 036.

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

...APPELLANTS

(BY SRI. GOPAL KRISHNA N, ADVOCATE FOR
SMT. SUSHMITHA G, ADVOCATE)

AND:

1. SRI. RAGHAVENDRA REDDY
MIX CONCRETE
SY.No.8/25, No.38/19,
42/2A, GANGASANDRA GRAMA



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KENGERI HOBLI
BENGALURU SOUTH
BENGALURU - 560 062.

2. THE ROYAL SUNDARAM GENERAL
INSURANCE COMPANY LTD.,
BRANCH OFFICE
RAGHAVENDRA PLAZA
1ST FLOOR, 1ST CROSS
HOSUR MAIN ROAD, WILSON GARDEN
BENGALURU - 560 027.
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 30.07.2026
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 12.03.2025
PASSED IN MVC No.2449/2023 ON THE FILE OF THE
I ADDITIONAL SMALL CAUSES JUDGE AND ACJM AND MEMBER
MACT, BENGALURU (SCCH-11), 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimants seeking
enhancement of compensation awarded in the Judgment
and Award dated 12.03.2025 passed in MVC



No.2449/2023 by I Additional Small Causes Judge and ACJM and MACT, Bengaluru (SCCH-11).

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

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of Pavan Kumar S., (son of claimant Nos.1 and 2 and brother of claimant No.3) in a road traffic accident occurred on 02.02.2023 contending that the accident occurred due to rash and negligent driving by the driver of Concrete Mix Lorry bearing registration No.KA-05-AK-7058.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:



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Sl. No.	Particulars	Amount
1.	Towards dependency and loss of future income	Rs. 24,19,200/-
2.	Towards Consortium 1. Filial Consortium	Rs. 96,800/-
3.	Towards Loss of estate & Funeral Expenses	Rs. 36,300/-
4.	Towards Medical Expenses	Rs. 15,68,450/-
	Total	Rs. 41,20,750/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded. The claimants have filed the present appeal seeking enhancement of compensation.

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

7. Learned counsel for the appellants would contend that, the deceased was an Engineering Graduate and in that regard, his Degree Certificate has been produced at Ex.P12. Even inspite of such qualification, the Tribunal has erred in taking the notional income at



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Rs.16,000/-. He further submits that, the income of the deceased is to be taken at Rs.25,000/- as he is an Engineering Student and on that point, he placed reliance on the decision of Division Bench of this Court rendered in the case of **SHRI MALLIKARJUN AND ANOTHER vs. SHRI UMESH AND ANOTHER** passed in **MISCELLANEOUS FIRST APPEAL NO.104894/2019 AND CONNECTED MATTER** disposed on **28.02.2020**.

8. He further submits that, the claimant has got reimbursement of Rs.6,47,215/- by the health insurance policy out of Rs.22,18,465/- and the same has been deducted by the Tribunal. As the amount got reimbursed from health insurance policy, the same cannot be deducted. On that point, he placed reliance on the decision of Hon'ble Apex Court in the case of **NEW INDIA ASSURANCE COMPANY LIMITED vs. DOLLY SATISH GANDHI & ANOTHER** reported in **(2026) INSC 498**. With these, he prayed to allow the appeal.



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9. Learned counsel for respondent No.2/insurer would contend that, the Tribunal considering the evidence on record has rightly taken the income of the deceased. The claimants cannot get double benefit one from health insurance policy and another from insurer of the offending vehicle. Considering the same, the Tribunal has rightly deducted the reimbursement got from health insurance policy on medical expenses. With these, he prayed for dismissal of the appeal.

10. Having heard the learned counsel for appellants and learned counsel for respondent No.2/insurer, the Court has perused the Judgment, Award and certified copy of Ex.P12 which is made available by the learned counsel for appellants.

11. The accident occurred on 02.02.2023 and as on the date of accident, the deceased was aged twenty four (24) years. Ex.P12 is the certified copy of the Degree Certificate of the deceased which indicates that the



deceased has completed Bachelor of Engineering (Civil Engineering) with First Class with Distinction. In view of the decision of Division Bench of this Court in the case of **SHRI MALLIKARJUN** *supra*, the income of the deceased is to be taken at Rs.25,000/- p.m. as against Rs.16,000/- taken by the Tribunal. 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 '18'. In view of the same, loss of dependency is calculated as under:

$$\text{Rs.25,000/-} + 40\% (\text{Rs.10,000/-}) = \text{Rs.35,000/-} - \\ 1/2 = \text{Rs.17,500/-} \times 12 \times 18 = 37,80,000/-$$

12. The claimants have produced the medical bills for a sum of Rs.22,18,465/-, the claimants got reimbursement from health insurance policy from Star Health and Allied Insurance Company Limited in a sum of Rs.6,47,215/-. The Tribunal has deducted the said amount from the total medical expenses and only awarded Rs.15,68,450/-. In view of the decision of Hon'ble Apex



Court in the case of **NEW INDIA ASSURANCE COMPANY LIMITED** *supra*, the amount got from health insurance policy shall not be deducted from the medical expenses. Therefore, the Tribunal has erred in deducting the said amount got from health insurance policy. Therefore, the claimants are entitled to the said amount deducted in a sum of Rs.6,47,215/-.

13. Considering all the above aspects, the claimants are entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Towards dependency and loss of future income	Rs. 37,80,000/-
2.	Towards Consortium 1. Filial Consortium	Rs. 96,800/-
3.	Towards Loss of estate & Funeral Expenses	Rs. 36,300/-
4.	Towards Medical Expenses (Rs.15,68,450/- + Rs.6,47,215/-)	Rs. 22,15,665/-
	Total	Rs. 61,28,765/-



14. The claimants are entitled to total compensation of Rs.61,28,765/- as against Rs.41,20,750/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.

15. Consequently, the claimants are entitled to enhanced compensation of Rs.20,08,015/- (Rs.61,28,765/- - Rs.41,20,750/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellants/claimants are entitled to enhanced compensation of Rs.20,08,015/- with interest at the rate of 6% per annum from the date of petition till realisation.*



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iii) Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.

iv) The appellants/claimants are entitled to release of their share in the enhanced compensation with interest in the ratio of 40:40:20.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 17