



CNR: KAHC010657722023

NC: 2026:KHC:50730
MFA No. 8311 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 8311 OF 2023 (MV-D)

BETWEEN:

1. MANGALAGOWRAMMA
W/O RANGANATHA P
AGED 29 YEARS
2. JAYANTH R
S/O RANGANATHA P
AGED 5 YEARS

THE APPELLANTS NO.1 & 2
ARE RESIDING AT
VEERADHAYANAPALYA,
KASABA HOBLI,
NELMANAGLA TALUK,
BENGALURU RURAL DISTRICT – 562 123.

3. PUTTALINGAMMA
W/O PATHANA
AGED 53 YEARS
R/AT HUVINAHOLE
HIRIYUR TALUK
CHITRADURGA DISTRICT – 577 143

...APPELLANTS

(BY SRI. NAIK KRISHNA VENKATRAMAN.,ADVOCATE)

AND:

1. TABRAZ KHAN
S/OSALEEM KHAN
MAJOR
RA/T 4TH CROSS,
P G LAYOUT, TUMKURU.

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2. THE MANAGER,
CHOLAMANDALAM MS GENERAL
INSURANCE COMPANY LTD
UNIT NO.4, 9TH FLOOR,
GOLDEN HEIGHTS COMPELX
59TH CROSS, INDUSTRIAL SUBRUB RAJAINAGAR
4TH M BLOCK, BENGALURU – 560 010

(TATA ACE BEARING NO KA 64-0577
POLICY NO 3379/02327928/000/01 VALID FROM 20-
03-2020 TO 19-03-2021)

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2;
V/O DATED 28.08.2026, NOTICE TO R1 IS DISPENSED
WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 07.08.2023 PASSED IN MVC
NO. 879/2021 ON THE FILE OF THE XXI ADDITIONAL SMALL
CAUSES JUDGE AND ACMM AND MEMBER, MACT, BENGALURU
(SCCH-23), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL JUDGMENT

1. Even though the matter was at the stage of
admission, with the consent of both sides, matter is
taken up for final disposal.

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2. This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'M.V. Act') by the claimants not satisfied with the compensation amount awarded in M.V.C.No.879/2021 dated 07.08.2023 on the file of XXI Additional Small Cause Judge and Motor Accident Claims Tribunal, Bangalore (SCCH-23) (for short, 'the Tribunal').
3. Parties would be referred with their ranks, as they were before the Tribunal for the sake of convenience and clarity.
4. The claimants have filed the claim petition under Section 166 of MV Act before the Tribunal claiming compensation in respect of the road traffic accidental death of one Ranganatha.P, the husband of claimant No.1, who is the father of claimant No. 2 and son of claimant No.3. Claimants contended that Ranganatha.P, was the rider of the motor cycle bearing Reg.No.KA-52/L-4099 on 12.01.2021 at



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09.45 p.m. and he met with an accident due to rash and negligent driving of driver of Tata Ace vehicle bearing Reg.No.KA-64/0577 (in short, 'the offending vehicle') at Tumkur NH-48 road near Madarasa A Fathima Masjid. Due to the accident, the rider of the motorcycle fell down and sustained grievous injuries and succumbed to those injuries at the spot. Hence, the claimants claimed compensation under several heads.

5. Respondent No.1- the owner of the offending vehicle has filed his objection statement, wherein he denied the case of claimants in *toto* and contended that the vehicle is validly insured with respondent No.2. Hence, prayed for dismissal of the claim petition.
6. Respondent No.2 filed his objection statement, wherein he admitted the validity of the insurance policy as on the date of accident to the offending vehicle, but denied all other averments made in the

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claim petition and further contended that, there was no valid FC, permit and DL. Hence, prayed for dismissal of the claim petition.

7. After framing of issues, recording evidence and hearing arguments of both sides, the Tribunal came to the conclusion that the claimants are entitled for total compensation of Rs.35,39,808/- under the following heads with interest at 6% per annum from the date of petition till payment:

Compensation heads	Compensation amount
1. Towards loss of dependency	Rs.33,86,808.00
2. Towards loss of Consortium to the petitioner No.1	Rs.40,000.00
3.Towards loss to estate	Rs.16,500.00
4. Towards transportation of dead body funeral and obsequies ceremony expenses	Rs.16,500.00
5.Towards loss of Filial consortium to petitioner Nos.2 & 3 (Each Rs.40,000/-)	Rs.80,000.00
Total	Rs.35,39,808.00

8. Not satisfied with the said compensation, the claimants are before this Court.

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9. Having heard arguments of both sides and verifying appeal papers the point that arises for consideration is:

"Whether the claimants are entitled for enhancement of compensation?"

10. Finding of this Court is in '**Affirmative**' for the following:

REASONS

11. The facts established before the Tribunal are that the deceased was working as Supervisor (Quality In-charge) at SAPL Garments, and was drawing the salary of Rs.19,290/- at the time of accident as per Ex.P.13. Considering the same, the Tribunal has taken the income of deceased at Rs.17,788/- by deducting PT, ESI and EPF. However, ESI and EPF is for the benefit of the family and thus, the amount contributed towards ESI and EPF cannot be deducted. However, only PT (Professional Tax)

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amount is to be deducted from the gross salary to decide the income of deceased as on the date of accident. PT was Rs.200/-Hence, the income of the deceased is taken at Rs.19,090/- and not Rs.17,788/- has taken by the Tribunal.

12. The Tribunal has taken the multiplier, future prospects and deduction towards personal expenses properly. Thus, claimants are entitled for compensation towards 'loss of dependency' at $\text{Rs.19,090} + 40\% \times 12 \times 17 \times \frac{2}{3} = \text{Rs.36,34,736/-}$
13. The Tribunal has awarded compensation towards 'loss of consortium to claimant Nos.1 to 3 at Rs.40,000/- each but failed to add 10% escalation charges as per ***National Insurance Company Ltd., v/s Pranay Sethi & Others***¹ case. Thus, the claimants are entitled for 10% escalation charges on 'loss of consortium' i.e., additional Rs.12,000/-.

¹ (2017) 16 SCC 680



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14. Thus, claimants are entitled for total compensation of
Rs.37,99,736/- instead of compensation awarded by
the Tribunal.

Compensation heads	Amount
Towards loss of dependency	Rs.36,34,736.00
Towards loss of Consortium	Rs.1,32,000.00
Towards loss to estate	Rs.16,500.00
Towards transportation of dead body funeral and obsequies ceremony expenses	Rs.16,500.00
Total	Rs.37,99,736.00

15. Hence, this Court passes the following:

ORDER

- a. The appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***allowed in part.***
- b. Judgment and award passed in M.V.C.No.879/2021 dated 07.08.2023 on the file of XXI Additional Small Cause Judge and Motor Accident Claims Tribunal, Bangalore (SCCH-23) is modified holding that the claimants are entitled for total compensation of **Rs.37,99,736/-** as against Rs.35,39,808/- awarded by the Tribunal.

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- c. The enhanced compensation shall carry interest at 6% per annum from the date of petition till realization.
- d. The Insurance Company shall deposit the compensation amount with accrued interest before the Tribunal within the period of eight weeks from the date of receipt of certified copy of this judgment.
- e. Apportionment, disbursement and deposit shall be as per the award of the Tribunal.
- f. No order as to costs.
- g. Draw modified award accordingly.

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(GEETHA K.B.)
JUDGE

SPV
List No.: 1 Sl No.: 25