



CNR: KAHC010664832023

NC: 2026:KHC:46694
MFA No. 8369 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.8369 OF 2023(MV-D)

BETWEEN:

1. SMT. THIPPAKKA @ THIPPAMMA,
W/O LATE LAKSHMANNA,
AGED ABOUT 41 YEARS,
2. SRI. SUNIL L.,
S/O LATE LAKSHMANA
AGED ABOUT 23 YEARS
3. MISS. RADHA L,
D/O LATE LAKSHMANA,
AGED ABOUT 22 YEARS,
4. MISS. KAVYA L,
D/O LATE LAKSHMANA,
AGED ABOUT 21 YEARS,
5. SMT. HULUGAMMA,
W/O DODDAKARIYAPPA,
AGED ABOUT 72 YEARS,
6. SRI. DODDAKARIYAPPA,
W/O LATE GURAPPA,
AGED ABOUT 77 YEARS,

Digitally
signed by
REKHA R
Location: High
Court of
Karnataka



NC: 2026:KHC:46694
MFA No. 8369 of 2023

CNR: KAHC010664832023

ALL ARE RESIDING OF
R/O JADANAKATTE VILLAGE,
SIDDAYYANAKOTE POST,
JAGALUR TALUK,
DAVANAGERE DISTRICT - 577 528.

...APPELLANTS

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

AND:

1. THE NATIONAL INSURANCE CO. LTD.,
THE DIVISIONAL OFFICE,
MELAGIRI PLAZA,
MCC 'B' BLOCK,
DENTAL COLELGE ROAD,
DAVANAGERE - 577 004.
REP BY DIVSIIONAL MANAGER.
2. SRI. HANUMANTHAPPA R,
S/O RUDRAPPA,
AGED ABOUT 35 YEARS,
R/O NARAGANAHALLI VILLAGE,
DAVANAGERE TALUK
AND DISTRICT - 577 552.
3. SRI. RUDRAPPA RANGANAHALLI,
S/O LATE HANUMANTHAPPA,
AGED ABOUT 70 YEARS,
R/O NARAGANAHALLI VILLAGE,
DAVANAGERE TALUK
AND DISTRICT - 577 552.
4. THE ICICI LOMBARD GENERAL
INSURANCE CO. LTD,
THE MANAGER



NC: 2026:KHC:46694
MFA No. 8369 of 2023

CNR: KAHC010664832023

P.B. ROAD,
NAVARATHNA JEWELLERY
LODGE OPPOSITE,
DAVANAGERE - 577 002.
REP BY ITS MANAGER

5. SRI. RANGASWAMY K.H. @ RAMASWAMY,
S/O HANUMANTHAPPA,
AGED ABOUT 46 YEARS,
R/O BILICHODU VILLAGE,
JAGALUR TALUK,
DAVANAGERE DISTRICT - 577 528.

...RESPONDENTS

(BY SRI. SHANKARA REDDY C., ADVOCATE FOR R1,
SRI. B. PRADEEP, ADVOCATE FOR R4,
VIDE ORDER DATED 10.01.2024 NOTICE TO R2, R3 AND
R5 ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV
ACT,1988, AGAINST THE JUDGMENT AND AWARD
DATED:30.03.2023 PASSED IN MVC NO.297/2021 ON THE FILE
OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT-V,
ITINERARY COURT, JAGALURU, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF



CNR: KAHC010664832023

NC: 2026:KHC:46694
MFA No. 8369 of 2023

ORAL JUDGMENT

This appeal is by the claimants seeking enhancement of compensation arising out of Judgment and Award dated 30.03.2023, in MVC.No.297/2021 passed by the Senior Civil Judge & Addl. MACT-V, Itinerary Court, Jagaluru¹.

2. The date of accident, involvement of vehicle, death of Mr.Lakshmana S/o.Dodda Kariyappa and liability to pay the compensation are not in dispute. The only dispute is with regard to quantum of compensation.

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

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

4.1 In an unfortunate accident occurred on 10.12.2020, one Mr.Lakshmana S/o.Dodda Kariyappa, succumbed to the injuries. The claimants claiming that the deceased was aged 44 years, working as a Waterman

¹ "Tribunal" for short



CNR: KAHC010664832023

and drawing monthly salary of Rs.11,669/- per month, filed claim petition seeking compensation of Rs.50,00,000/-.

- 4.2 Upon notice, the respondents-Insured appeared and filed separate statement of objections, denying the claim petition averments and sought to dismiss the claim petition.
- 4.3 The Insurers, opposed the claim petition by filing statement of objections denying all the contentions taken in the claim petition, with a specific contention that any liabilities, is subject to terms and conditions of the policy.
- 4.4 The Tribunal after hearing the parties and appreciating the evidence, both ocular and documentary, awarded a total compensation of Rs.16,78,280/- considering the income of the at Rs.11,669/- and applying the appropriate multiplier



CNR: KAHC010664832023

of '14' and deducting 1/5th. It is this judgment and award is called in question in this appeal.

5. Heard, Sri.V.B.Siddaramaiah, learned counsel appearing for the claimants, Sri.Shankara Reddy.C, learned counsel appearing for respondent No.1 Insurer and Sri.B.Pradeep, learned counsel appearing for respondent No.4 - Insurer. Vide order dated 10.01.2024, notice of this appeal on respondents 2, 3 and 5 is dispensed with.

6. Sri.V.B.Siddaramaiah, with all vehemence submits that the Tribunal has erred in not awarding appropriate compensation by adding future prospectus of 30% to the income, in respect of the salary which the deceased would have earned had he been alive, in view of settled position of law. He further submits that the deceased survived by wife, children and parents (six in total). However, the Tribunal has erred in awarding appropriate compensation under the head 'loss of consortium'. Learned counsel further submits that, the



CNR: KAHC010664832023

NC: 2026:KHC:46694
MFA No. 8369 of 2023

claimants are also entitled for 10% escalation on compensation awarded under conventional heads, for every completed three years. Learned counsel also submits that, since the deceased was a Government employee and survived by six dependents, the compensation though reassessed would be very meager, hence, the interest ought to have been considered at the rate of 9% instead of 6%. With this, learned counsel sought to enhance the compensation.

7. Sri.Shankara Reddy.C, and Sri.B.Pradeep, learned counsel appearing for respondent Nos.1 and 4 - Insurers respectively, with equal vehemence argued in support of judgment and award passed by the Tribunal. However, they are not in serious dispute in respect of settled position of law, for adding 30% future prospectus to the salaried income.

8. Having considered the rival submissions, this Court is of the opinion that, there is some force in the argument advanced by Sri.V.B.Siddaramaiah, learned



CNR: KAHC010664832023

counsel for the appellants/claimants that, the deceased was aged 44 years, and was a Government employee working as a Waterman. In that view of the matter, future prospectus of 30% must have been added to monthly income. Therefore, the compensation awarded under the head loss of dependency requires reconsideration. Admittedly, the deceased was survived by wife, three children and parents. In view of settled position of law, all the claimants are entitled for compensation under 'loss of consortium'. This aspect of the matter has been lost sight by the Tribunal.

9. Further, in view of settled position of law, the claimants are also entitled for 10% escalation on compensation awarded under conventional heads, in view of settled position of law.

10. This Court also finds some force in the submission of learned counsel for the claimants that, the deceased being a salaried person and having been survived by six dependents and having regard to the



CNR: KAHC010664832023

NC: 2026:KHC:46694
MFA No. 8369 of 2023

growth in the economy, and rate of interest by the public sector Banks, it would be appropriate to award interest at the rate of 9% instead of 6%. In that view of the matter, this Court finds force in the argument of learned counsel for claimants and proceeds to re-assess the compensation.

11. Accordingly, the compensation awarded by the Tribunal requires reconsideration and re-assessment, which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	15,68,280-00	20,38,807-68 (11,669+30% $\times$ 12 $\times$ 14 $\times$ 4/5)
2.	Towards consortium	80,000-00	2,40,000-00 (40,000 $\times$ 6)
3.	Funeral expenses	15,000-00	15,000-00
4.	Loss of estate	15,000-00	15,000-00
6.	10% escalation for every completed three years.	-	27,000-00
	TOTAL	16,78,280-00	23,35,807-68

12. The claimants are entitled for enhanced compensation of Rs.6,57,527.68/- (23,35,807.68 - 16,78,280) rounded off to **Rs.6,58,000/-** with interest at



CNR: KAHC010664832023

NC: 2026:KHC:46694
MFA No. 8369 of 2023

the rate 9% interest per annum from the date of petition till realization.

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

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 30.03.2023, in MVC.No.297/2021 passed by the Senior Civil Judge & Addl. MACT-V, Itinerary Court, Jagaluru is modified and the compensation is enhanced.
- (iii) The claimants are entitled for enhanced compensation of **Rs.6,58,000/-**, which shall carry interest @ 9% per annum from the date of petition till realization.
- (iv) Respondent Nos.1 and 4 - Insurers shall deposit the entire enhanced compensation along with accrued interest stated supra



CNR: KAHC010664832023

**NC: 2026:KHC:46694
MFA No. 8369 of 2023**

within six weeks from the date of receipt of
copy of this order before the concerned
Tribunal, at the ratio of 50% each.

(v) Upon deposit, the apportionment and
disbursement is as per the order of the
Tribunal.

(vi) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 29
ct-vn