



CNR: KAHC010672892025

NC: 2026:KHC:44431
MFA No. 7684 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7684 OF 2025

(MV-D)

BETWEEN:

1. SRI SUBRAMANYA
S/O BHASKAR,
AGED ABOUT 48 YEARS.
2. SMT. BHAGYA
W/O SUBRAMANYA,
AGED ABOUT 44 YEARS,
3. KUM. NISHITHA
D/O SUBRAMANYA,
AGED ABOUT 23 YEARS,
4. MR. NISHANTH.S
S/O SUBRAMANYA,
AGED ABOUT 23 YEARS,

ALL ARE RESIDING AT:
NO. 16, MUNESHWARA TEMPLE ROAD,
NAGASHETTIHALLI,
BENGALURU-560 094.

...APPELLANTS

(BY SRI. GURUDEVA PRASAD K T, ADVOCATE)

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



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AND:

1. M/S UNITED INDIA INSURANCE CO. LTD.,
BY ITS MANAGER,
MVC.HUB, KRISHI BHAVANA,
HUDSON CIRCLE, NRUPATHUNGA ROAD,
BENGALURU-560 001.
2. SRI. CHETHAN KUMAR.L
S/O LAKSHMAN KUMAR.J,
AGED ABOUT 40 YEARS,
R/AT NO.1244, 1ST CROSS,
KRISHNAMURTHYPURAM,
MYSURU-570 004.

...RESPONDENTS

(BY SRI P B RAJU, ADVOCATE FOR R1
V/O DTD. 25.10.2025, NOTIE TO R2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 15.01.2025 PASSED IN MVC NO.4447/2023 ON THE FILE OF THE ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER, MACT, BENGALURU SCCH-11, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 15.01.2025 passed in MVC No.



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4447/2023 by the Additional Small Causes Judge and ACJM, and Member, MACT, Bengaluru (SCCH-11).

2. Appellants – claimants made a claim petition praying to award compensation for the death of Mr. Nithin S. (son of claimant Nos.1 and 2 and brother of claimant Nos.3 and 4) in a road traffic accident that occurred on 17.06.2023 at 02.30 am due to parking of car bearing registration No. KA-09-C-8074 on the middle of the road without any indication. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards dependency and loss of future income	Rs.24,19,200/-
2	Towards consortium. 1. Parental consortium (2)	Rs.96,800/-
3	Towards Loss of estate and Funeral Expenses	Rs.36,300/-
4	Towards Medical Expenses	Rs.9,060/0
	Total	Rs.25,61,360/-



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3. The Tribunal has held that the deceased had also contributed to the accident to the extent of 80% and awarded only Rs.5,12,272/- (20% of Rs.25,61,360/-) with interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 1 – Insurer to deposit the said award amount with interest. Claimants aggrieved by the said finding of the Tribunal regarding contributory negligence on the part of the deceased assessed at 80% and seeking enhancement of compensation, have filed the present appeal.

4. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 1 – Insurer.

5. Learned counsel for appellants would contend that the accident has taken place in the mid night at 02.30 am and at that time driver of the car bearing registration No. KA-09-C-8074 had parked his car in the middle of the road where there was a board of `No Parking`. On seeing



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the same, the deceased applied brake, there was skid of the bike and the bike went below the parked car as a result of which the deceased sustained injuries and succumbed to the injuries. Said act itself indicate that there is total negligence on the part of the driver of the car. He further submits that the Tribunal has taken the income of the deceased at Rs.16,000/- per month. As per the chart prepared by the Karnataka State Legal Services Authority notional income fixed for the year 2023 is Rs.16,250/- and said income is to be taken. The Tribunal has rightly taken future prospects at 40%, deducted 50% towards the personal expenses of the deceased and applied multiplier of 18. He further submits that the Tribunal has awarded consortium only to two claimants and not awarded consortium to other two claimants. Other two claimants are the sister and brother of the deceased and they are also entitled to consortium. With this he prayed to allow the appeal.



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6. Learned counsel for respondent No.1 – Insurer would contend that charge sheet has been filed against both the deceased and the driver of the car. Considering the said aspect the Tribunal has rightly held that the deceased has contributed to the accident to the extent of 80%. Compensation awarded under all heads is just and proper and there are no grounds for enhancement of the compensation.

7. Having heard learned counsel for the parties, this Court has perused the judgment, award and trial Court records.

8. On perusal of the material on record the following points arise for consideration in this appeal:

- I. Whether the Tribunal is justified in holding that the deceased has contributed to the accident and assessing his negligence at 80%?



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II. Whether there are any grounds for enhancement of compensation?

9. **REASONS POINT No. I:** Date of accident is 17.06.2023. Accident occurred on 02.30 am. The offending car was parked in the middle of the road without any indication. The deceased was riding his motorcycle applied brake, it got skid, his vehicle got dragged and went below the parked car. The deceased succumbed to the injuries sustained in the accident. Ex.P.6 is the charge sheet and it is filed against the deceased for offence under Sections 279 and 304-A of IPC and charge sheet is also filed against the driver of the car for offence under Sections 283 and 304-A of IPC. On reading of column No. 17 of the charge sheet it is clear that the car was parked in the middle of the road where parking was prohibited. The deceased was the rider of the motorcycle. Due to skid, he fell down and his motorcycle dragged and went below the parked car. As a result, he sustained injuries and succumbed to the injuries. Ex.P4 is the spot panchnama,



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there is mention that the car had been parked where there was no parking board and there were the bike dragging marks to the extent of 53 feet. The said aspect clearly indicates that the deceased on seeing the parked car applied brake , the vehicle was skid and it was dragged below the parked vehicle. Considering the said aspect, there is no contributed negligence on the part of the deceased. The entire negligence is on the part of the driver of the car who has parked the car where there was no parking board and where parking was prohibited. Moreover, the accident has taken place during midnight at about 2.30 a.m. Considering the said aspect, the entire negligence is on the part of the driver of the car. Therefore, the Tribunal has erred in holding that the deceased has also contributed to the accident. Accordingly, point No.1 is answered.

10. **REASONS POINT No. II:** The Tribunal has taken the notional income of the deceased at Rs.16,000/-. But as per chart prepared by the Karnataka State Legal



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Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and that is to be taken as against Rs.16,000/- as taken by the Tribunal. The Tribunal has rightly added future prospect at 40%, deducted 50% towards personal expenses and applied multiplier 18. Considering the same, the loss of dependency is calculated as under:

$$\text{Rs.16,250/-} + 40\% (\text{Rs.6,500/-}) = \text{Rs.22,750/-} \text{ less } 50\% = \text{Rs.11,375/-} \times 12 \times 18 = \text{Rs.24,57,000/-}.$$

12. The Tribunal has awarded consortium only to parents who are claimant Nos.1 and 2. The Tribunal has not awarded consortium to claimant Nos.3 and 4 who are the sister and brother of the deceased. The sister and brother of the deceased are also entitled to consortium. Since the accident has taken place in the year 2023, the Tribunal has rightly added 20% escalation on conventional heads. Therefore, the claimants are entitled to consortium in a sum of Rs.1,92,000/- (Rs.48,000 x4) as against Rs.96,800/- as awarded by the Tribunal. The Tribunal has



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rightly awarded loss of estate, funeral expenses and medical expenses. In view of above, claimants are entitled to total compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	24,57,000/-
02.	Loss of consortium	1,92,000/-
03.	loss of estate and funeral expenses	36,300/-
04.	Medical Expenses	9060/-
Total		26,94,360/-

13. The Tribunal after deducting 80% only awarded Rs.5,12,272/-. Therefore, claimants are entitled to enhanced compensation of Rs.21,82,088/- (Rs.26,94,360/- minus Rs.5,12,272/-) with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.1 -insurer is liable to pay the said enhanced compensation with interest.

14. In view of the above, the following:



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ORDER

- i) The appeal is ***allowed in part.***
- ii) Appellants –claimants are entitled to enhanced compensation of Rs.21,82,088/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.1 shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant –claimants are entitled to release of entire enhanced compensation in the ratio as determined by the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS,DSP
List No.: 1 Sl No.: 13