



CNR: KAHC010688102023

NC: 2026:KHC:46615
MFA No. 8725 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 28TH DAY OF AUGUST, 2026
BEFORE

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN
MISCELLANEOUS FIRST APPEAL NO. 8725/2023 (MV-D)

BETWEEN:

MRS. JAINABU,
W/O LATE T HASANABBA,
AGED ABOUT 60 YEARS,
R/AT NO. 15-288, TALAPADY HOUSE,
NEAR ALKAZANA HALL, B MOODA,
JODUMARGA, BANTWAL TALUK,
D K DISTRICT -574 219.

...APPELLANT

(BY SRI. RAVISHANKAR SHASTRY.G.,ADVOCATE)

AND:

1. MR. T ZUBAIR,
S/O LATE T HASANABBA,
ADULT,
R/AT NO. 15-288, TALAPADY HOUSE,
NEAR ALKAZANA HALL
B MOODA VILLAGE, JODUMARGA,
BANTWAL TALUK, D K DISTRICT - 574 219.

2. BRANCH MANAGER,
UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LIMITED,
NELSON MANDELA ROAD,
VASANT KUNJ NEW DELHI 110070
REPRESENTED BY ITS BRANCH MANAGER,
1ST FLOOR, CITY TRADE CENTRE,
TEMPLE ROAD, KADRI, MANGALURU TALUK,
D K DISTRICT -575 003.

...RESPONDENTS

(BY SRI.D.VIJAYAKUMAR, ADVOCATE FOR R2;
R1 SERVED)

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka





CNR: KAHC010688102023

NC: 2026:KHC:46615
MFA No. 8725 of 2023

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 06.10.2023 PASSED IN MVC NO. 253/2020 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MANGALURU, DAKSHINA KANNADA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

This appeal is filed against the judgment and award dated 06.10.2023 passed in M.V.C.No.253/2020 by the I Additional Senior Civil Judge and M.A.C.T., Mangaluru, D.K. ('the Tribunal' for short).

2 In brevity, the undisputed fact is that, on 18.12.2019 at about 1.30 a.m., while the deceased Mohammed Siraj was proceeding as an occupant in a car bearing No.KA-19/MC-631 near Kodaje of Mani village, on account of over-speed, the driver lost control over the car, as a result of which, the car capsized and due to the said impact, the deceased sustained fatal injuries. Immediately thereafter he was shifted to Father Muller



CNR: KAHC010688102023

NC: 2026:KHC:46615
MFA No. 8725 of 2023

Hospital, Thumbay. Despite expert treatment, he succumbed to the injuries on 20.12.2019. Therefore, wife of deceased approached the Tribunal claiming compensation of Rs.40,00,000/-. Claim was opposed by the owner and insurer of the car. The Tribunal after taking the evidence, by impugned judgment assessed the compensation of Rs.15,32,000/- with 6% interest p.a.

3. Heard the arguments of Sri.Ravishankar Shastry.G., learned counsel for the appellant and Sri.D.Vijaykumar, learned counsel for the Insurance Company.

4. The only grievance in the appeal is that the notional income of the deceased assessed by the Tribunal is on the lower side.

5. Learned counsel for the appellant submitted that the accident was of the year 2019. The deceased was working as an Electrical Contractor and was earning Rs.25,000/- per month. However, the Tribunal has taken



CNR: KAHC010688102023

NC: 2026:KHC:46615
MFA No. 8725 of 2023

notional income of Rs.10,000/- and the same may be taken at Rs.14,000/- per month.

6. Learned counsel for Insurance Company is in consonance with the contention raised by the learned counsel for the appellant.

7. I have given my anxious consideration to the arguments advanced on both sides and perused the materials on record.

8. As rightly contended by the learned counsel for the appellant, the Tribunal has not properly assessed the income of the deceased. Hence, it is a fit case for enhancement of compensation. Accordingly, the notional income of Rs.14,000/- per month can be taken. As per the dictum of the Hon'ble Apex Court in ***National Insurance Co.Ltd. -vs- Pranay Sethi¹***, if 40% is added towards future prospects, the income would come to Rs.19,600/-. As the deceased was a bachelor, if half of

¹ (2017) 16 SCC 680.



CNR: KAHC010688102023

NC: 2026:KHC:46615
MFA No. 8725 of 2023

the income is deducted towards his personal expenses, the annual income would work out to Rs.1,17,600/-. The appropriate multiplier is '17'. Thus, the loss of dependency works out to Rs.19,99,200/-. The compensation awarded under other heads remains undisturbed.

9. Accordingly, the appellant is entitled to total compensation of **Rs.21,03,200/-** as against Rs.15,32,000/- awarded by the Tribunal, thereby she is entitled to enhanced compensation of **Rs.5,71,200/-**, which is just compensation in the facts and circumstances of the case.

10. In the result, I pass the following order:

The appeal is ***allowed in part***. The impugned judgment and award is modified accordingly.

The appellant would be entitled for enhanced compensation of **Rs.5,71,200/-** along with interest at the



NC: 2026:KHC:46615
MFA No. 8725 of 2023

CNR: KAHC010688102023

rate of 6% per annum on the enhanced compensation from the date of petition till its realization.

Insofar as liability and apportionment of compensation is concerned, the judgment of the Tribunal stands unaltered.

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM
List No.: 1 Sl No.: 11