



CNR: KAHC010694182025

NC: 2026:KHC:48316
MFA No. 7905 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7905 OF 2025
(MV-I)

BETWEEN:

1. SRI. CHETHAN K.R.
S/O. LATE RAMAKRISHNAPPA,
NOW AGED ABOUT 41 YEARS,
2. MASTER POORVIK K.C.
S/O. CHETHAN K.R.,
NOW AGED ABOUT 8 YEARS,
3. SMT. SARASWATHAMMA
W/O. LATE RAMAKRISHNAPPA,
NOW AGED ABOUT 65 YEARS,

SINCE APPELLANT NO.2 IS MINOR
REPRESENTED BY HIS FATHER AND NATURAL
GUARDIAN THE 1ST APPELLANT NO.1.

APPELLANT NOS.1 TO 3 ARE RESIDING AT
KALAHASTHIPURA VILLAGE,
KEMBODI POST,
KOLAR TALUK AND DISTRICT.

...APPELLANTS

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

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



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AND:

1. SRI. D. SUDHEENDRA
S/O R. DORAI RAJAN,
NOW AGED ABOUT 48 YEARS,
RESIDING AT NO.1034,
HOBBY RAMESH COMPOUND,
BESIDE SRI. SHANKAR MATT, FORT,
KOLAR TOWN - 563 201.
2. SBI GEN. INS. CO. LTD.
NO.3/1, RUKMINI TOWERS, PLATFORM ROAD,
DIAGONALLY OPP. TO MANTRIMALL,
SHESHADRIPURAM,
BANGALORE - 560 020.
REP. BY ITS MANAGER.
3. SRI. SAMBIT KUMAR ACHARYA
FATHER'S NAME NOT KNOWN TO THE APPELLANTS,
MAJOR IN AGE,
RESIDING AT FLAT J-1201,
SUMADHURA SILVER RIPPLES,
BOREWELL ROAD, NALLURAHALLI,
WHITEFIELD,
INFRONT OF TOP IN TOWN SUPERMARKET,
BANGALORE - 560 066.

...RESPONDENTS

(BY SRI. P.S. JAGADISH, ADVOCATE FOR R2;
VIDE ORDER DATED 08.07.2026, NOTICE TO R1 & R3
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 10.03.2025 PASSED IN MVC
NO.3858/2020 ON THE FILE OF THE XXIII ADDITIONAL SMALL
CAUSES JUDGE AND MACT, COURT OF SMALL CAUSES,
BENGALURU (SCCH-25), ALLOWING THE CLAIM PETITION FOR



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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 10.03.2025 passed in MVC
No.3858/2020 by XXIII Additional Small Causes Judge and
MACT, Bengaluru (SCCH-25).

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 appellant/claimant made a claim petition
seeking for award of compensation for the death of Hamsa
K., in a road traffic accident occurred on 06.02.2020
contending that the accident occurred due to rash and



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negligent driving by the driver of Maruthi Vagon-R Car bearing registration No.KA-04-MN-1721.

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:

Sl. No.	Particulars	Amount
1.	Income from future prospects	Rs. 22,68,000/-
2.	Medical expenses	Rs. 10,47,965/-
3.	Conveyance, transportation, food, nourishment and other incidental expenses	Rs. 5,00,000/-
	Total	Rs. 38,15,965/-
	Rounded off	Rs. 38,16,000/-

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 with interest. 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. The accident occurred on 06.02.2020 and as on the date of accident, the deceased was aged twenty three (23) years. The claimants are husband, minor son and mother-in-law of the deceased. The deceased who was injured in the accident had filed a claim petition seeking award of compensation for the injury sustained by her in the accident. During the pendency of claim petition, the claimant died. The husband, minor son and mother-in-law were brought on record as legal representatives of the claimant on her death.

8. The Tribunal has taken the income of the deceased at Rs.15,000/- and deducted 50% towards personal expenses of the deceased and applied multiplier '18'. The deceased was perusing her B.Ed course at the time of accident and she was a home maker.



9. Learned counsel for the appellants placed reliance on the judgment of this Court in the case of **SRI SHANKAR NAIK AND OTHERS vs. SRI SHEKAR NAIK AND ANOTHER** passed in **MISCELLANEOUS FIRST APPEAL NO.6605/2025 (NC:2026:KHC:42631)** contends that the loss of domestic care/dependency is to be taken at Rs.30,000/- per month. He further submits that, the husband and minor son who are the claimants have lost the domestic care on the death of the deceased. He also submits that, the said decision is based on the decision of Hon'ble Apex Court in the case of **SHISHU PAL @ SHISH RAM AND OTHERS vs. SURJEET AND OTHERS** reported in (2026) INSC 634.

10. Learned counsel for respondent No.2/insurer submits that, The said decision of Hon'ble Apex Court **SHISHU PAL @ SHISH RAM** *supra*, is not applicable to the case on hand as the deceased was pursuing B.Ed course. The Hon'ble Apex Court in the case of **SHISHU PAL @ SHISH RAM** *supra*, has held as under:



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"20. It is in these circumstances, that we deem it appropriate to direct that when a Motor Accidents Claim Tribunal or the High Court or this Court is concerned with or a case involving the death of a homemaker, in order to overcome the inherent disadvantage accrued against the homemaker on a calculation of compensation on the basis of conservatively computed notional income and while being acutely aware of the dictum in **Pranay Sethi** (supra) regarding loss of consortium as also the disposition towards uniformity, that for the three major heads (the homemaker's contribution towards smooth functioning of the household, the loss of maternal support for children and loss of spousal support/the support and care of their child who is an adult, for the parents of the deceased) discussed in the foregoing paragraphs, a composite sum of Rs.30,000/- shall be added under the head of 'loss of domestic care', provided that all three of these heads are met in the given case. This determination shall be revised by 10%, cumulatively, every three years. It may be clearly stated that this amount of Rs.30,000/- i.e., loss of domestic care is to be taken as a 'stand- in' (basic minimum monthly income) for monthly income in those cases where the homemaker does not have an input into the house, in strictly conventional, monetary terms. In those cases where the homemaker is part of the workforce, the component of loss of domestic care shall be in addition to the monthly income as may be proved before the Tribunal/Courts."

11. In the case on hand, the **claimant No.1(a)** and **1(b)** are husband and minor son of the deceased. On



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the death of the deceased, who is the wife of claimant No.1(a) and mother of the claimant No.1(b), they have lost domestic care of the deceased. The deceased being a home maker, her contribution towards smooth functioning of the household, loss of maternal support for the child and loss of spousal support to the husband, considering the said aspect, the judgment in the case of **SHISHU PAL @ SHISH RAM** *supra* is aptly applicable to the case on hand. In the said decision, the Hon'ble Apex Court has stated that apart from loss of domestic care, if the deceased was doing any avocation earning, her income is to be added to the said loss of domestic care of Rs.30,000/-. Merely because the deceased was pursuing B.Ed course does not disentitles the claimants from taking the income of the deceased at Rs.30,000/- towards loss of domestic care. Therefore, loss of domestic care of Rs.30,000/- per month is to be taken for computing loss of dependency.



12. The claimant Nos.1(a) and 1(b) are husband and minor son of the deceased and therefore, deduction is to be taken at 1/3rd as against 1/2 taken by the Tribunal. Considering the age of the deceased as twenty three (23) years, the multiplier applicable is '18' and future prospects are to be taken at 40%. In view of the same, loss of domestic care/loss of dependency is calculated as under:

$$\begin{aligned} & \text{Rs.30,000/-} \times 12 = \text{Rs.3,60,000/-} + 40\% \\ & (\text{Rs.1,44,000/-}) = \text{Rs.5,04,000/-} - 1/3\text{rd} = \text{Rs.3,36,000/-} \\ & \times 18 = \text{Rs.60,48,000/-} \end{aligned}$$

13. Considering that the deceased was admitted in the hospital for two (02) years (03) months, the Tribunal has rightly awarded attendant, conveyance charges, food nourishment etc. in a sum of Rs.5,00,000/- and medical expenses of Rs.10,47,965/-

14. Therefore, claimant Nos.1(a) and 1(b) are entitled to loss of domestic care/loss of dependency in a sum of Rs.60,48,000/- as against Rs.22,68,000/- with interest.



15. Consequently the claimant Nos.1(a) and 1(b) are entitled to enhanced compensation of Rs.37,80,000/- 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 the said enhanced compensation with interest.

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant Nos.1 and 2 are entitled to enhanced compensation of Rs.37,80,000/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- 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) *Out of the enhanced compensation, a sum of Rs.25,00,000/- shall be kept in Fixed*



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*Deposit in the name of appellant No.2 -
minor till he attains the age of majority.*

- v) *Appellant No.1 is entitled to release of
remaining amount in the enhanced
compensation with interest.*

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 42