

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 7936 OF 2024 (MV-D)

BETWEEN:

1. MANJULAMMA
W/O. LATE. DEVARAJU,
AGED ABOUT 44 YEARS,
2. POOJA,
W/O. LATE. DEVARAJU,
AGED ABOUT 29 YEARS,
3. RUTHIKA N.D.,
D/O. LATE. DEVARAJU,
AGED ABOUT 8 YEARS,
4. N.D. PARINITHA,
D/O. LATE. DEVARAJU,
AGED ABOUT 7 YEARS,

(THE APPELLANT NO.3 & 4 ARE MINORS
REPRESENTED THEIR NATURAL GUARDIAN
MOTHER I.E, 2ND APPELLANT HEREIN)

5. RANGAMMA
W/O. LATE. VENKATEGOWDA,
AGED ABOUT 67 YEARS,

ALL APPELLANTS ARE R/AT
NYAMANAHALLI VILLAGE,
HALEKOTE HOBLI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT-573 211.

...APPELLANTS

(BY SRI. VIJAY KUMAR T., ADVOCATE)

Digitally signed
by SOWMYA
DODDANARAIHAH

Location: HIGH
COURT OF
KARNATAKA

AND:

DIVISIONAL CONTROLLER
K.S.R.T.C.,
HASSAN DIVISION,
HASSAN -573 116.

...RESPONDENT

(BY SRI. JAGADEESH G.S. AND
SRI. GURUBASAPPA E.S., ADVOCATES)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.02.2024 PASSED IN MVC NO. 216/2022 ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.06.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

The present appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988 ('the MV Act', for short) by the claimants/appellants seeking to modify the judgment and award dated 08.02.2024 in MVC No.216/2022, on the file of the II Addl. District & Sessions Judge & MACT ('the Tribunal', for short).

2. The appellants/respondents herein are the claimants/respondents before the Tribunal.

3. The claimants, being two wives, two minor children and mother of deceased Devaraju, instituted the claim petition under Section 166 of the MV Act seeking compensation of Rs.40,00,000/- with interest at 18% per annum on account of the death of Devaraju in a motor vehicle accident involving KSRTC Bus bearing Reg. No.KA-13-F-2160 belonging to the respondent.

4. The claimant No.1 is the first wife, claimant No.2 is the second wife, claimants No.3 & 4 are the minor children and claimant No.5 is the mother of deceased Devaraju.

5. The brief facts of the case are that:-

On 05.12.2021 at about 7.20 p.m., while Devaraju was riding Motorcycle bearing Reg.No.KA-13-X-0275 with one Manjegowda as pillion rider on NH 375, Hassan-Mysore Road near Basthihalli village, proceeding from Hassan towards Nyamanahalli village, the driver of the

aforesaid Bus drove the vehicle in a rash and negligent manner and dashed against the rear portion of the motorcycle. As a result, both the rider and pillion rider fell on the road and sustained fatal injuries, to which they succumbed at the spot. It was further contended that the deceased, aged about 48 years, was engaged in Agriculture and Dairy Farming earning Rs.30,000/- per month and that the claimants incurred Rs.4,00,000/- towards transportation of the body and funeral expenses.

6. The respondent contested the claim petition by filing objections. While admitting ownership of the Bus bearing Reg.No.KA-13-F-2160, the respondent denied the allegations of rash and negligent driving and contended that the accident occurred due to negligence of the deceased himself, who, without wearing a helmet and in violation of traffic rules, attempted to overtake the Bus from the left side, lost control of the motorcycle and fell under the left rear wheel of the Bus. It was further contended that the deceased did not possess a valid and effective driving licence and that the police, despite a

complaint lodged by the Bus driver, failed to take action against the deceased, whereas, a false case was registered against the Bus driver in collusion with the claimants.

7. The respondent also disputed the age, occupation and income of the deceased, the dependency claimed by the claimants and the expenses allegedly incurred towards transportation and funeral rites. It was further contended that an interim compensation of Rs.25,000/- had already been paid to Girish, the brother of the deceased, on humanitarian grounds and that the compensation claimed was exorbitant. The respondent, referring to the financial hardship faced by the Corporation after the Covid lockdown, sought for dismissal of the claim petition and waiver of interest on any compensation that may be awarded.

8. The learned counsel appearing for the appellants would contend that the Tribunal erred in awarding only Rs.48,000/- towards loss of consortium,

despite the deceased being survived by two wives, two children and his mother, all of them have suffered loss of the deceased at a relatively younger age. It is urged that, in terms of the law laid down by the Hon'ble Apex Court in the case of ***Magma General Insurance Company Limited v. Nanu Ram alias Chuhru Ram and others*** reported in ***(2018) 18 SCC 130***, each of the claimants are entitled for consortium of Rs.40,000/-. It is further contended that the Tribunal erred in assessing the notional income of the deceased at Rs.15,000/- per month, whereas, the evidence on record discloses that prior to the accident, the deceased was engaged in Agriculture and Dairy Farming and earning Rs.30,000/- per month.

9. In support of his contentions, learned counsel for the claimants/appellants has placed reliance on the following judgments:-

- ***Kavita Devi and others v. Sunil Kumar and another*** reported in ***2025 INSC 938***;

20. Thirdly, the claimants are entitled to a sum of Rs.18,150/- each under the heads of loss of estate and funeral expenses. Further, we award a sum of Rs.48,400/- to Appellant No.1 under the

head of spousal consortium and Appellant No.2 and 3 would be entitled to a sum of Rs. 48,400/- each under the head of parental consortium as per the law laid down in Magma General Insurance Company Limited v. Nanu Ram Alias Chuhru Ram and Others.

- ***Maya Singh and others v. The Oriental Insurance Co. Ltd. and others*** reported in **2025 INSC 161**; and

13. Considering the aforesaid factual aspects and position of law, in our view, the compensation on account of loss of income while applying the multiplier of 9 by the Tribunal without applying the split method is the correct calculation on that account. Moreover, the Tribunal as well as the High Court had failed to award future prospects while calculating the compensation. Considering the age of the deceased, the appellant would be entitled to future prospects @ 15%. On account of loss of estate and funeral expenses, the amount of Rs.15,000/- each awarded by the High Court is as per law. As far as loss of consortium is concerned, there are three claimants, namely, the widow, one son and one daughter. They would be entitled to compensation on account of loss of consortium @ Rs.40,000/- each. The Tribunal had erred in awarding only a sum of Rs.1,00,000/- in total.

- ***Magma General Insurance Company Limited v. Nanu Ram alias Chuhru Ram and others*** reported in **(2018) 18 SCC 130**.

19. The Insurance Company has contended that the High Court had wrongly awarded Rs 1,00,000 towards loss of love and affection, and Rs 25,000 towards funeral expenses. The judgment of this Court in Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3 SCC (Civ) 248 : (2018) 2 SCC (Cri) 205] has set out the various amounts to be awarded as compensation under the conventional heads in case of death. The relevant extract of the judgment is reproduced herein below: (SCC p. 711, para 52)

"52. ... Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be @ 10% in a span of three years."

(emphasis supplied)

As per the aforesaid judgment, the compensation of Rs 25,000 towards funeral expenses is decreased to Rs 15,000. The amount awarded by the High Court towards loss of love and affection is, however, maintained.

20. *MACT as well as the High Court have not awarded any compensation with respect to loss of consortium and loss of estate, which are the other conventional heads under which compensation is awarded in the event of death, as recognised by the Constitution Bench in Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3 SCC (Civ) 248 : (2018) 2 SCC (Cri) 205] . The Motor Vehicles Act is a beneficial and welfare legislation. The Court is duty-bound and entitled to award "just compensation", irrespective of whether any plea in that behalf was raised by the claimant. In exercise of our power under Article 142, and in the interests of justice, we deem it appropriate to award an amount of Rs 15,000 towards loss of estate to Respondents 1 and 2.*

21. *A Constitution Bench of this Court in Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3 SCC (Civ) 248 : (2018) 2 SCC (Cri) 205] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse: [Rajesh v. Rajbir Singh, (2013)]*

9 SCC 54 : (2013) 4 SCC (Civ) 179 : (2013) 3 SCC (Cri) 817 : (2014) 1 SCC (L&S) 149]

22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count [Rajasthan High Court in Jagmala Ram v. Sohi Ram, 2017 SCC OnLine Raj 3848 : (2017) 4 RLW 3368; Uttarakhand High Court in Rita Rana v. Pradeep Kumar, 2013 SCC OnLine Utt 2435 : (2014) 3 UC 1687; Karnataka High Court in Lakshman v. Susheela Chand Choudhary, 1996 SCC OnLine Kar 74 : (1996) 3 Kant LJ 570] . However, there was no clarity with respect to the

principles on which compensation could be awarded on loss of filial consortium.

24. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680 : (2018) 3 SCC (Civ) 248 : (2018) 2 SCC (Cri) 205] . In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs.40,000 each for loss of filial consortium."

10. Heard learned counsel appearing on either side and perused the material placed on record.

11. Having considered the contentions advanced on either side and on perusal of the materials placed on record, this Court is of the opinion that the only grievance urged by the claimants in the present appeal relates to the quantum awarded under the head of consortium. The Tribunal, while awarding compensation, has granted a consolidated sum of Rs.48,000/- towards consortium. The occurrence of the accident, the finding regarding negligence and the compensation awarded under the other heads has not been seriously assailed before this Court.

12. It is not in dispute that the deceased is survived by claimant Nos.1 and 2, who are his wives, claimant Nos.3 and 4, who are his children, and claimant No.5, who is his mother. The Hon'ble Supreme Court in ***Magma General Insurance Company Limited 's*** case stated *supra* has held that consortium is not confined only to spousal consortium but includes parental consortium and filial consortium and that eligible claimants are entitled to compensation under the said conventional head. The Hon'ble Apex Court has further observed that the amount payable towards consortium shall be governed by the principles laid down in the case of ***National Insurance Co. Ltd. v. Pranay Sethi***, wherein, Rs.40,000/- was fixed under the head of loss of consortium.

13. In ***Maya Singh's*** case stated *supra*, the Hon'ble Apex Court reiterated that where there are three claimants, namely the widow, son and daughter, each claimant would be entitled to consortium at the rate of Rs.40,000/-. Similarly, in ***Kavita Devi and others'*** case stated *supra*, the Hon'ble Apex Court awarded consortium

separately to the spouse and children by following the principles laid down in ***Magma General Insurance Company Limited 's*** case stated *supra*.

14. In the present case, claimant Nos.1 and 2, being the wives of the deceased are entitled to spousal consortium; claimant Nos.3 and 4, being the children of the deceased, are entitled to parental consortium; and claimant No.5, being the mother of the deceased, is entitled to filial consortium. In view of the law laid down by the Hon'ble Apex Court in the aforesaid decisions, this Court is of the considered view that each of the five claimants are entitled for consortium of Rs.40,000/- each. Consequently, the claimants are entitled to a total sum of **Rs.2,00,000/-** under the head of consortium as against Rs.48,000/- awarded by the Tribunal.

15. In all, the total compensation re-determined by this Court under various heads is as follows:

Head of Compensation	Amount(Rs)
1. Loss of dependency	16,33,500/-
2. Loss of Estate	18,000/-
3. Loss of Consortium	2,00,000/-
4. Loss of funeral expenses	18,000/-
Total	18,69,800/-

16. In view of the above, this Court proceed to pass the following:-

ORDER

(i) The appeal is ***allowed in-part.***

(ii) The judgment and award dated 08.02.2024 passed in MVC No.216/2022 by the II Addl. District & Sessions Judge and MACT is modified.

(iii) The compensation awarded under the head of consortium is enhanced from Rs.48,000/- to Rs.2,00,000/-, by awarding Rs.40,000/- each to claimants/appellant Nos.1 to 5.

(iv) The respondent-Corporation shall deposit the compensation amount with interest at the rate of 6% p.a. within eight weeks from the date of receipt of a certified copy of this judgment.

(v) The appellants shall not be entitled to interest for the delayed period of 190 days.

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

MH/-