



CNR: KAHC010746292024

NC: 2026:KHC:40130
MFA No. 8425 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8425 OF 2024

(MV-D)

BETWEEN:

SRI MARANNA K
@ KARIYAJI GARI MARANNA
S/O KARIYANNA
NOW AGED ABOUT 65 YEARS,
R/AT : THIMALAPURA
GUDIBANDE MANDAL
BORE BAGALU PANCHAYATHI
MADAKA SIRA TALUK
ANANTHAPURA DISTRICT
ANDRAPRADESH-515 286.

...APPELLANT

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA

(BY SRI CHANDRASHEKARAI AH B, ADVOCATE)

AND:

1. MR VASANTHA K R
S/O RANGAIAH
(AGE OF R-1 NOT NOWN TO APPELLANT)
R/AT: 3RD DIVISION KODLIPET
SOMAWARPET TALUK-571 231.
KODAGU, KARNATAKA.
2. UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LTD.,
BRANCH MANAGER



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3RD FLOOR, K.V.V. SAMRAT
217/A, 3RD MAIN
OUTER RING ROAD
KASTHURI NAGAR
BENGALURU-560 043.

...RESPONDENTS

(BY SRI D VIJAYAKUMAR, ADVOCATE FOR R2
V/O DTD. 09.07.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:16.12.2021 PASSED IN MVC No.6284/2019 ON THE FILE OF THE II ADDITIONAL JUDGE AND ACMM, COURT OF SMALL CAUSES, MACT, BENGALURU (SCCH.13), 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking enhancement of compensation awarded in the judgment and award on 16.12.2021 passed in MVC No.6284/2019 by II Additional Judge Court of Small Causes and MACT, Bengalur (SCCH-13).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of



learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

3. The appellant made a claim petition praying to award compensation for the death of his son Iranna, death of 07 sheep and injury to two sheep in a road traffic accident occurred on 28.06.2019, contending that the accident occurred due to the rash and negligent driving of the driver of the Shift Desire Car bearing registration No.KA-12/Z- 6188. The Tribunal after recording the evidence of the parties, appreciating the evidence on record has assessed the compensation and awarded compensation under various heads as under:

1. Loss of Estate	Rs.8,84,000/-
2. Loss of Consortium	Rs.40,000/-
3. Loss of Expectation of Life	Rs.10,000/-
4. Transportation of dead body, Funeral & obsequies Expenses	Rs.15,000/-
5. Towards Death of 7 Sheep and two injured sheep	Rs.60,000/-
Total	Rs.10,09,000/-



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4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2 -insurer to pay the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.2 –insurer.

6. Learned counsel for the appellant –claimant would contend that the deceased was aged 29 years was owning sheep, goats and donkeys and in the accident he died, 07 sheep belonging to him died and 2 sheep sustained injuries. Considering the same the income of the deceased has to be taken higher than the notional income taken by the Tribunal. Since the deceased is aged 29 years, the future prospects at 40% required to be added and the Tribunal has not added the same. The Tribunal has not awarded loss of the estate but has awarded loss of



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expectation of life in a sum of Rs.10,000/-. With these, he prays to allow the appeal.

7. Learned counsel for respondent No.2 -insurer would contend that the compensation awarded by the Tribunal for the death of the son of the claimant and also for the death of 07 sheep and injury to 02 sheep is just and proper and there are no grounds for enhancement.

8. Having heard learned counsels, the Court has perused the impugned judgment and award.

9. The Tribunal based on the wound certificates - Ex.P10 and Ex.P11 issued by Veterinary Hospital and post mortem report of 07 sheeps -Ex.P12 has considered the value of each sheep based on their age etc., and has rightly awarded Rs.8,000/- each for the death of 05 sheeps and Rs.6,000/- each for the death of other two sheeps and Rs.8,000/- towards injury to two sheeps total in Rs.60,000/-. The said award compensation by the Tribunal is just and proper.



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10. The deceased was aged 29 years and he was owning sheeps. Considering the said aspect, the income taken by the Tribunal at Rs.13,000/- is not proper and income of the claimant has to be taken higher than the notional income fixed i.e.,14,000/-. Therefore the income of the deceased is taken at Rs.15,000/-. The Tribunal has not added future prospects. As the deceased was aged 29 years, the future prospects are to be taken at 40%. The Tribunal has rightly applied multiplier '17'. The deceased was bachelor and the claimant is the father. Therefore, deductions towards personal expenses is to taken at 50%. In view of the above, the loss of dependency is calculated as under:

$$\begin{aligned} & \text{Rs.15,000/-} + 6,000/- (40\%) = \text{Rs.21,000/- less } 50\% \\ & = \text{Rs.10,500/-} \times 12 \times 17 = \text{Rs.21,42,000/-} \end{aligned}$$

11. The Tribunal has rightly awarded consortium in a sum of Rs.40,000/-, funeral expenses and transportation of dead body in a sum of Rs.15,000/-. The Tribunal has not awarded loss of amenities but has awarded loss of



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expectation of life in a sum of Rs.10,000/-. Therefore, the claimant is entitled to loss of amenities in a sum of Rs.15,000/- towards loss of expectation of life. In view of above, the claimant is entitled to total compensation under various heads as under:

1. Loss of dependency	Rs.21,42,000/-
2. Loss of Consortium	Rs.40,000/-
3. Loss of amenities	Rs.15,000/-
4. Transportation of dead body, Funeral & obsequies Expenses	Rs.15,000/-
5. Towards Death of 07 sheeps and two injured sheeps	Rs.60,000/-
Total	Rs.22,72,000/-

12. The claimant is entitled to total compensation of Rs.22,72,000/- as against Rs.10,09,000/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.12,63,000/- with interest at the rate of 6% per annum from the date of petition till realisation. Respondent No.2 -insurer is liable to pay the enhanced compensation with interest.

13. In view of the above, the following



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ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant – claimant is entitled to enhanced compensation of Rs.12,63,000/- 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 06 weeks from this day.
- iv) The appellant -claimant is entitled to release of entire enhanced compensation amount.
- v) The appellant -claimant is not entitled to interest for delay period of 934 days in filing the appeal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 50
Ct.sm