



CNR: KAHC010787942025

NC: 2026:KHC:49186
MFA No. 8994 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8994 OF 2025

(MV-D)

BETWEEN:

1. SMT. AMRUTHA M
W/O. LATE SHIVANNA
NOW AGED ABOUT 35 YEARS.
2. MASTER BHUVAN S
S/O. LATE SHIVANNA
NOW AGED ABOUT 12 YEARS.
3. MASTER JAGADISH
S/O. LATE SHIVANNA
NOW AGED ABOUT 10 YEARS.

SINCE APPELLANTS 2 AND 3 ARE
MINORS, REPRESENTED BY THEIR MOTHER
AND NATURAL GUARDIAN APPELLANT No.1

4. SMT. LAKSHMIDEVAMMA
W/O LATE VENKATAREDDY
NOW AGED ABOUT 72 YEARS.

ALL ARE RESIDING AT
HOSAHALLI VILLAGE, HOGALAGERE POST
SRINIVASAPURA TALUK
KOLAR DISTRICT.

...APPELLANTS

(BY SMT. SUSHMITHA G, ADVOCATE)

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



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AND:

THE MANAGING DIRECTOR
ANDHRA PRADESH STATE ROAD
TRANSPORT CORPORATION, RTC HOUSE
PUNDIT NEHRU BUS STATION
VIJAYAWADA DISTRICT
ANDHRAPRADESH STATE-520 001.

...RESPONDENT

(BY SRI. D VIJAYA KUMAR, ADVOCATE – V.C)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:23.05.2025
PASSED IN MVC No.146/2023 ON THE FILE OF THE II
ADDITIONAL SENIOR CIVIL JUDGE AND ADDL. MACT KOLAR
PARTLY ALLOWING THE CLAIM PETITION FOR 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 claimants seeking
enhancement of compensation awarded in the judgment
and award dated 23.05.2025 passed in MVC No.146/2023
by II Additional Senior Civil Judge and MACT, Kolar.

2. Even though the matter is listed for
orders/admission today, with the consent of the learned



counsel appearing for the appellant and learned appearing for respondent – Insurer it is taken up for disposal.

3. Appellants – claimants made a claim petition praying to award compensation for the death of Shivanna in a road traffic accident that occurred on 27.11.2022 due to the rash and negligent driving by the driver of APSRTC bus bearing registration No.AP-07/Z-0693. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Towards loss of dependency	8,71,875/-
2	Towards loss of consortium	1,20,000/-
3	Towards loss of estate	15,000/-
4	Towards funeral expenses	15,000/-
Total		10,21,875/-

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent – Insurer to deposit the said award amount with interest. Claimants seeking



enhancement of the compensation awarded, have filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent.

6. The accident occurred on 27.11.2022 and as on the date of accident the deceased was aged 40 years. Considering the said age of the deceased, the Tribunal has rightly taken multiplier '15'. The notional income fixed for the year 2022 is Rs.15,500/-. The Tribunal has rightly taken the said income. Considering age of the deceased, the Tribunal has rightly added 25% towards future prospects. The Tribunal considering that claimants are four dependents of the deceased has held that $\frac{1}{4}^{\text{th}}$ is to be deducted towards personal expenses of the deceased. But while calculating the loss of dependency, the Tribunal has deducted $\frac{3}{4}^{\text{th}}$ instead of $\frac{1}{4}^{\text{th}}$. In view of the above, the loss of dependency is calculated as under:



$$\text{Rs.15,500/-} + 25\% (\text{Rs.3,875/-}) = \text{Rs.19,375/-} \times 12$$
$$= \text{Rs.2,32,500/-} \text{ less } 1/4^{\text{th}} = \text{Rs.1,74,375/-} \times 15 =$$
$$\text{Rs.26,15,625/-}.$$

7. The Tribunal has only awarded consortium of Rs.1,20,000/-. The claimants are wife, two minor sons and mother of the deceased and each of them are entitled to consortium of Rs.40,000/- with 10% escalation. Therefore, claimants are entitled to consortium of Rs.1,76,000/- (Rs.44,000/- x4). The Tribunal even though awarded loss of estate and funeral expenses of Rs.15,000/- each, but has not added 10% escalation. Therefore, claimants are entitled to loss of estate in a sum of Rs.16,500/- and funeral expenses of Rs.16,500/-.

8. In view of the above, claimants are entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards loss of dependency	26,15,625/-
02.	Towards loss of consortium	1,76,000/-



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03.	Towards loss of estate	16,500/-
04.	Towards funeral expenses	16,500/-
Total		28,24,625/-

Considering the above aspects, claimants are entitled to total compensation of Rs.28,24,625/- as against Rs.10,21,875/- as awarded by the Tribunal with interest at the interest of 6% per annum from the date of petition till realization. Consequently, claimants are entitled to enhanced compensation of Rs.18,02,750/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent -APSRTC is liable to pay the said enhanced compensation with interest.

9. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) Appellants -claimants are entitled to enhanced compensation of Rs.18,02,750/-



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with interest at the rate of 6% per annum
from the date of petition till realization.

- iii) Respondent -insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) The apportionment of compensation among claimants as determined by the Tribunal remained unaltered.
- v) The share of appellant Nos.2 and 3/claimant Nos. 2 and 3 shall be kept in fixed deposit in their name in any nationalized/schedule bank till they attain majority.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 12
Ct.sm