



CNR: KAHC010829562025

NC: 2026:KHC:53946
MFA No. 9703 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 9703 OF 2025

(MV-D)

BETWEEN:

1. DODDAYALAPPA @ YELLAPPA
S/O VENKATARAVANAPPA,
NOW AGED ABOUT 42 YEARS.
2. SRI. VENKATESH M.Y
S/O. YELLAPPA
NOW AGED ABOUT 19 YEARS.
3. KUMARI. SHYAMALA M.Y
D/O YELLAPPA
NOW AGED ABOUT 18 YEARS.

ALL ARE RESIDING AT
MUGALAMARI VILLAGE
GUDUMARLAHALLI POST
CHINTAMANI TALUK
CHIKKABALLAPUR DISTRICT.



...APPELLANTS

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

AND:

1. SRI ANJANEYAREDDY B S
S/O SEETHARAMAREDDY

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MAJOR IN AGE
RESIDENT OF CHILAKALANERPU
VILLAGE AND POST, CHINTAMANI TALUK
CHIKKABALLAPUR DIST-563 125.

2. THE IFFCO-TOKIO GENERAL
INSURANCE COMPANY LIMITED,
SRI SHANTHI TOWERS,
5TH FLOOR, NO. 141, 3RD MAIN
EAST OF NGEF LAYOUT, KASTURI NAGAR
BANGALORE – 560 043.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 12.02.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:5.08.2025
PASSED IN MVC No. 5542/2024 ON THE FILE OF THE XI
ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MEMBER,
MACT-12, ADDITIONAL MACT, BENGALURU (SCCH-12),
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

1. This appeal is filed by claimants seeking
enhancement of compensation awarded in the judgment

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and award dated 05.08.2025 passed in MVC No.5542/2024 by XI Additiona Judge, Court of Small Causes and Additional MACT, Bengaluru (SCCH-12).

2. Even though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Appellants – claimants made a claim petition praying to award compensation for the death of Munilakshmamma (Wife of claimant No.1, mother of claimant Nos.2 and 3) in a road traffic accident occurred on 28.06.2024 due to the rash and negligent driving by the driver of bus bearing registration No.KA-07/8605. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

Sl. No.	Particulars of Heads	Amount in Rs.
1.	Loss of Dependency	27,72,000/-
2.	Loss of Love and	50,000/-

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	affection	
3.	Loss of Consortium to petitioner No.1 to 3, (Rs.48,400/- each	1,45,200/-
4.	Loss of estate	18,150/-
5.	Funeral expenses	18,150/-
	Total	Rs.30,03,500/-
	Contributory negligence on part of bike rider is 30%	(-)9,01,050/-
Total		Rs.21,02,450/-

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 No.2 –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 appellants – claimants and learned counsel for respondent No.2 – Insurer.

6. The accident occurred on 28.06.2024 and as on the date of accident, the deceased -Munilakshmmamma was aged 37 years. The occupation of the claimant is stated to

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be agriculturalist cum housekeeper, earning Rs.20,000/- per month. Considering the said age of the deceased, the multiplier applicable is '15'.

7. Learned counsel for appellants would contend that the deceased, apart from agriculture, was housewife and her income is to be taken at Rs.30,000/- as per decision of the Hon'ble Apex Court in the case of ***Shishu Pal @ Shish Ram and others Vs. Sujeet and others***¹. Learned counsel for respondent No.2 -insurer submits that the said decision is not applicable to the facts of the case since claimants are not dependants of the deceased.

8. Claimants in order to establish that the deceased was doing agriculture and had income have not produced any evidence. In ***Shishu Pal*** (supra) case, the Hon'ble Apex Court has held as under:

"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

¹ In 2026 INSC 634



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*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."*

9. The contention of learned counsel for respondent No.2 –insurer that decision of the Hon'ble Apex Court in the case of **Shishu Pal** (supra) is not applicable, does not hold any merit. The Hon'ble Apex Court in the

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said case has observed that apart from domestic care if the deceased is earning income that can be added to the said loss of domestic care of Rs.30,000/-. Claimant No.1 is husband, claimant No.2 is son and claimant No.3 is daughter of the deceased. Even though claimants have not established the income of the deceased, she is considered to be housewife. As per the said decision of the Hon'ble Apex Court in the case of **Shishu Pal** (supra), composite income a sum of Rs.30,000/- shall be taken as 'loss of domestic care'. Since claimants have not produced any proof of income of the deceased, the said Rs.30,000/- is to be taken for computing loss of dependency. In view of the above, the loss of domestic case/dependency is calculated as under

$$\begin{aligned} \text{Rs.30,000/-} + 40\% &= \text{Rs.42,000/-} \times 12 = \\ \text{Rs.5,04,000/- less } 1/3^{\text{rd}} &= \text{Rs.3,36,000/-} \times 15 = \\ \text{Rs.50,40,000/-} \end{aligned}$$

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10. The Tribunal has rightly awarded consortium in a sum of Rs.1,45,200/-, loss of estate in a sum of Rs.18,150/- and funeral expenses in a sum of Rs.18,150/-. In view of award of the consortium, claimants are not entitled to loss of love and affection awarded by the Tribunal in a sum of Rs.50,000/-.

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

Sl.No.	Particulars of Heads	Amount in Rs.
1.	Loss of Dependency /domestic care	50,40,000/-
2.	Loss of Consortium to petitioner No.1 to 3, (Rs.48,400/- each	1,45,200/-
4.	Loss of estate	18,150/-
5.	Funeral expenses	18,150/-
Total		52,21,500/-

12. The Tribunal has held that the deceased had contributed to the accident to the extent of 30%. The said the finding of the Tribunal is not proper for the following reasons:

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- a) The deceased was a pillion rider on the motorcycle. Even though rider has contributed to the accident, the deceased being a pillion rider cannot be attributed to negligence.
- b) Even on the basis of the Ex.P10 charge sheet filed against the driver of the bus and Ex.P4 - sketch indicate that there is no contributory negligence on the part of rider of the motorcycle.
- c) In the sketch Ex.P4, the bus came towards Chintamani took a turn and dashed against motorcycle which was coming on its proper side.
- d) The spot of the accident as seen in Ex.P4 is on left side of the road on which the motorcycle was moving. Even though the rider of the motorcycle was only having

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learner's license and there was no registration number of the motorcycle contributory negligence cannot be attributed.

Therefore, considering the above grounds, the entire negligence is attributed to the driver of the bus. Therefore, the insurer of the bus is liable to pay the entire compensation assessed. Therefore, claimants are entitled to total compensation of Rs.52,21,500/- as against Rs.21,02,450/- as awarded by the Tribunal with interest. Consequently, claimants are entitled to enhanced compensation of Rs.31,19,050/- 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 said enhanced compensation with interest.

13. In view of the above, the following

ORDER

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

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- ii) The contributory negligence attributed to the deceased is set aside.
- iii) Claimants are entitled to enhanced compensation of Rs.31,19,050/- with interest at the rate of 6% per annum from the date of petition till realisation.
- iv) Respondent No.2 -insurer shall deposit the said enhanced compensation before the Tribunal within a period of 06 weeks from this day.
- v) Claimants are entitled to the enhanced compensation in the ratio of 40:30:30.
- vi) Out of the enhanced compensation, 50% share of each of claimants shall be kept in fixed deposit in their name in Karnataka Bank, City Civil Court Branch, Bangalore for a period of 03 years.

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vii) The remaining amount shall be released to
them as per their share.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 22
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