HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 323 OF 2019 (MV-D)

BETWEEN:

1. ASMA B,
   AGED ABOUT 46 YEARS,
   W/O B HASAINAR.

2. B HASAINAR,
   R/O PERUVAJE HOUSE,
   PERUVAJE VILLAGE, SULLIA.

   BOTH ARE R/AT UPPINANGADY,
   BANNURU POST AND VILLAGE,
   PUTTUR TALUK, D.K.DISTRICT-574 203.

...APPELLANTS

(BY SRI ABDUL ANSAR P, ADVOCATE)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

AND:

1. RAFEEQ G,
   S/O ABUBAKKAR G,
   AGED ABOUT 31 YEARS,
   R/O GUTHIGE HOUSE,
   YENMOOR POST AND VILLAGE
   SULLIA TALUK, D.K.-574 219.

2. CYNTHIA VEIGAS,
AGED ABOUT 34 YEARS,
W/O HEROLD VEIGAS,
R/O 2-326, NEAR SVS COLLEGE,
BANTWAL TALUK, D.K.-574 219.

3. THE BRANCH MANAGER,
THE UNITED INDIA INSURANCE CO. LTD.,
BRANCH OFFICE, VARANASHI TOWER,
MISSION STREET, BUNDER
MANGALORE, D.K.DISTRICT-575 001.

…RESPONDENTS

(BY SRI B.S KRISHNA, ADVOCATE FOR R-3;
R-1 & R-2 SERVED & UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.01.2018 PASSED IN MVC NO.278/2017 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU, SITTING AT PUTTUR, D.K, 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 VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the claimants challenging the judgment and award dated 20.01.2018 passed in MVC No.278/2017 by the Motor Accident Claims Tribunal, D.K., Mangaluru, sitting at Puttur (hereinafter referred to as the 'Tribunal').

2. Heard Sri.Abdul Ansar.P, learned counsel for the appellants and Sri.B.S.Krishna, learned counsel appearing for respondent No.3-insurance company.

3. The parents of the deceased Mohammad Zaheer.P filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 for the death of their son in a road accident dated 29.03.2016. In order to prove the claim, they have adduced oral and documentary evidence. The Tribunal considering the material on record, has awarded total compensation Rs.9,19,000/- with interest at the rate of 7% per annum. It is to be noticed that the deceased was aged about 18 years and by vocation a coolie. It is claimed that he was earning Rs.12,000/- per

month. However, no evidence is placed to that effect. Hence, his income is notionally assessed at Rs.9,500/-. The claimants would be entitled to addition of 40% of the assessed income under the head of loss of future prospects and he was a bachelor and the appropriate deduction would be 50% towards personal and living expenses. The claimants/appellants being the parents would be entitled to consortium at the rate of Rs.40,000/- each with 10% escalation. The appellants are also entitled to compensation under conventional heads. Hence, the compensation is re-determined as under:

Sl. No	Description	Amount
1	Loss of dependency (Rs.9,500 + 40% X 12 X 18 - 50%)	Rs.14,36,400
2	Loss of consortium [Rs.44,000(10% escalation) X 2]	Rs.88,000
3	Loss of estate, transportation of dead body and funeral	Rs.33,000

	expenses (Rs.16,500 + Rs.16,500) (which includes 10% escalation)	
Total		**Rs.15,57,400**

4. In the result, I proceed to pass the following:

ORDER

(i) Appeal is ***allowed in part***.

(ii) The impugned judgment and award of the Tribunal is modified to an extent that the claimant would be entitled to total compensation of Rs.15,57,400/- as against Rs.9,19,000/- awarded by the Tribunal.

(iii) The enhanced compensation amount shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit except for the period of delay of 261 days as per orders in IA No.1/2019.

(iv) Respondent No.3-insurance company is directed to deposit the enhanced compensation amount with accrued

interest before the Tribunal within a period of 6(six) weeks from the date of receipt of certified copy of this judgment.

(v) Insofar as apportionment, deposit and release of compensation is concerned, the award of the Tribunal is unaltered.

(vi) Registry to transmit the records forthwith to the Tribunal.

(vii) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

NS
CT:BR
List No.: 1 Sl No.: 5