HC-KAR

NC: 2026:KHC:60498
MFA No. 523 of 2026

CNR: KAHC010040642026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 523 OF 2026 (MV-I)

BETWEEN:

SMT. MANJULA,
W/O. LATE MAHESHA @ MAHESHAPPA,
AGED ABOUT 42 YEARS,
HAKKALAPURA VILLAGE,
GUNDLUPET TALUK,
CHAMARAJANAGARA DISTRICT - 571 313.

…APPELLANT

(BY SRI. GIREESHA S.N., ADVOCATE)

AND:

DIVISIONAL MANAGER
KARNATAKA STATE ROAD
TRANSPORT CORPORATION,
GUNDLUPET,
CHAMARAJANAGARA DISTRICT,
KSRTC BUS STAND,
GUNDLUPET - 571 111.

…RESPONDENT

(BY SRI.K.NAGARAJA, ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 20-01-2025 PASSED IN MVC NO.60/2023 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC AND MACT, GUNDLUPET PARTLY ALLOWING THE CLAIM

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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 dated 20.01.2025 passed in MVC No.60/2023 by Senior Civil Judge and MACT, Gundlupet.

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for the respondent/KSRTC, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the death of Mahesh @ Maheshappa in a road traffic accident occurred on 07.01.2023 contending that the accident occurred due

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

to rash and negligent driving by the driver of bus bearing registration No.KA-10-F-439.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Towards loss of dependency	Rs. 15,60,000/-
2.	Loss of spousal consortium	Rs. 44,000/-
3.	Towards transportation of dead body and funeral expenses	Rs. 16,500/-
4.	Towards loss of estate	Rs. 16,500/-
5.	Medical bills	Rs. 7,385/-
	Interim relief	Rs. (-) 25,000/-
	Total	**Rs. 16,19,385/-**

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed the respondent/KSRTC to pay the compensation awarded. The claimant has filed the present appeal seeking enhancement of compensation.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

6. Heard the learned counsel for appellant/claimant and learned counsel for the respondent/KSRTC.

7. The accident occurred on 07.01.2023 and as on the date of accident, the deceased was aged forty nine (49) years. Considering the said age of the deceased, the Tribunal has rightly applied multiplier '13'.

8. The notional income fixed by the Karnataka State Legal Services Authority for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.12,000/- taken by the Tribunal. The Tribunal has rightly added 25% towards future prospects, deducted 1/3rd towards personal expenses of the deceased. In view of the same, loss of dependency is calculated as under:

Rs.16,250/- + 25% = Rs.20,312.50/- X 12 = Rs.2,43,750/- - 1/3rd = Rs.1,62,500/- X 13 = Rs.21,12,500/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

9. The claimant did not seek any enhancement of compensation awarded under other heads.

10. Considering all the above aspects, the claimant is entitled to enhanced compensation under the head loss of dependency in a sum of Rs.5,52,500/- (Rs.21,12,500/- - Rs.15,60,000/-) with interest at the rate of 6% per annum from the date of petition till realisation.

11. The appellant/claimant is not entitled to interest for the delay period of 263 days in filing the appeal as per order dated 12.10.2026 passed on I.A.No.1/2026.

12. Respondent/KSRTC is liable to pay the said enhanced compensation amount with interest.

13. In view of the above, the following:

ORDER

*i) Miscellaneous First Appeal is **allowed-in-part**.*

ii) The appellant/claimant is entitled to enhanced compensation of Rs.5,52,500/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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

iii) The appellant/claimant is not entitled to interest for the delay period of 263 days in filing the appeal.

iv) The Respondent/KSRTC shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.

v) Out of the enhanced compensation, 50% shall be released to the appellant/claimant and remaining 50% shall be kept in her name in any Nationalised/Scheduled Bank for a period of five (05) years.

Learned counsel for the respondent/KSRTC is permitted to file vakalath within one week.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 44