HC-KAR

NC: 2026:KHC:21244
MFA No. 657 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 657 OF 2025 (MV-D)

BETWEEN:

1. GANESHA
   S/O HUCHAIAH,
   AGED ABOUT 51 YEARS,

2. UMA,
   W/O GANESHA,
   AGED ABOUT 44 YEARS,

3. SUDARSHAN G,
   S/O GANESHA,
   AGED ABOUT 25 YEARS,

   ALL ARE RESIDING AT NO.735,
   NAYAKARA STREET, 3RD WARD,
   PALYA, PALYAM, KOLLEGAL (TQ),
   CHAMARAJANAGAR (D)-571440.

...APPELLANTS

(BY SRI. SHANTHARAJ K, ADVOCATE)

Digitally signed by PADMASHREE SHEKHAR DESAI
Location: High Court of Karnataka

AND:

1. M/S THE SECRETARY
   M/M HILLS, KOLLEGAL (TQ),
   CHAMARAJANAGARA (D)-571490.

2. M/S. THE EXECUTIVE OFFICER,
   SRI.MAHADESWARASWAMY
   DEVASTHANA, MAHADESHWARA

HILLS, KOLLEGAL (TQ),
CHAMARAJANAGARA (D)-571490.

3. THE MANAGER,
UNITED INDIA INS. CO., LTD.,
MOTOR TP HUB, NO.1134,
PRINCE OF WALES ROAD,
BALLAL CIRCLE, CHAMARAJAPURAM,
MYSORE-570 005.

…RESPONDENTS

(BY SRI. B A RAMAKRISHNA, ADVOCATE FOR R3;
V/0 DTD. 17.04.2026, NOTICE TO R1 AND R2
DISPENSED WITH)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 18.04.2024 PASSED IN MVC NO.1099/2022 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES AS A PREDSIDING KOFFICER, MACT, MYSURU, 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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellants/claimants under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 18.04.2024 passed in MVC No.1099/2022, by the Court of Additional Small Causes

and Senior Civil Judge, and Motor Accident Claims Tribunal, Mysuru, for enhancing the compensation.

2. Heard the arguments of learned counsel for respondent No.3 and learned counsel for the appellants.

3. Brief facts of the case are that, Sri. Vijayakumar @ VijayNayaka G, met with an accident on 14.05.2022. His parents and brother filed claim application claiming compensation of Rs.50,00,000/-. The Tribunal considering the entire evidence on record granted Rs.27,34,600/- with interest at the rate of 6% p.a. from the date of petition till the date of realisation. Aggrieved by the said order, this appeal is filed.

4. It is contended that the deceased-Vijayakumar, was earning Rs.25,000/- p.m. Due to his untimely death, the petitioners have suffered loss of dependency and affection. The vehicle was duly insured with respondent No.3 and the policy was in force. However, his monthly income has been wrongly assessed. It is submitted that

the Vijayakumara was doing coolie work and earning Rs.25,000/- per month. Further, the Tribunal has committed an error in considering the monthly income of the deceased by keeping in mind the year of accident and occupation. Further, the Tribunal has failed to consider the fact that there is no hard and fast rule to deduct 50% in each and every case and even in Sarla Varma case, if there is large number of family members, 1/4th ought to have been deducted for personal expenses and therefore, requested for its modification. Lastly, the Tribunal has committed an error in awarding very meagre compensation under conventional heads. Therefore, the appellants have requested for enhancement of compensation.

5. The Vijayakumara was aged 19 years and the relevant multiplier is to be taken as '18'. Though the appellants have stated that the deceased was earning Rs.25,000/- per month, they have not filed a single document to prove his income. Since the accident

occurred on 14.05.2022, the Tribunal has rightly considered the notional income of deceased at Rs.15,500/- as per the guidelines issued by Karnataka State Legal Services Authority and this Court finds no reason to interfere with the same and it is hereby confirmed. As per the decision of Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi & Others***[1] 40% is to be added towards future prospectus and as per the guidelines of the Hon'ble Apex Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation***[2]***,*** 50% is to be deducted towards personal expenses since the deceased is a bachelor. Accordingly, the 'loss of dependency' come to **Rs.23,43,600/-** (15,500 + 40% - 50% X 12 X 18). Petitioner Nos.1 and 2 being the parents of deceased, is entitled to **Rs.44,000/-** each under the head 'filial consortium' that comes to **Rs.88,000/-** '. Apart from that, the appellants are also

[1] (2017) 16 SCC 680

[2] (2009) 6 SCC 121

entitled for **Rs.33,000/-** towards 'conventional heads' as per the decision of Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi & Other***. Further, the medical bills to the tune of Rs.2,81,000/- was incurred towards the treatment of the deceased and the Tribunal has granted the same and this Court finds no reason to interfere with the same and it is confirmed.

6. Thus in all, components awarded by this Court are as below,

Particulars	Amount in Rs.
Loss of dependency	23,43,600.00
Loss of consortium	88,000.00
Conventional heads	33,000.00
Medical expenses	2,81,000.00
Total	**27,45,600.00**

7. Compensation is enhanced from Rs.27,34,600/- to Rs.27,45,600/- and the enhanced compensation is

Rs.11,000/-, which carries interest at the rate of 6% per annum. Further, the insurance company has already deposited the award amount before the Tribunal.

8. In the result, the following order is passed:

ORDER

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

ii. The judgment and award dated 18.04.2024 passed in MVC No.1099/2022, by the Court of the Additional Small Causes and Senior Civil Judge and Motor Accident Claims Tribunal, Mysuru, is modified;

iii. Respondent No.3 is directed to deposit the compensation of Rs.11,000/- with interest at the rate of 6% per annum within one month from the date of this order.

iv. On such deposit, appellant No. 2 i.e. mother of the deceased is permitted to withdraw the entire compensation with interest accrued on it.

v. Further, the appellants/claimants are not entitled for the interest for the delay period of 177 days vide order dated 17.04.2026.

Sd/-
(P SREE SUDHA)
JUDGE

SSD
List No.: 1 Sl No.: 12