IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 3162 OF 2020 (MV-D)

BETWEEN:

1. CHIKKATHAYAMMA
   W/O LATE THIMMARAJU K.T,
   AGED ABOUT 37 YEARS

2. LIKITHA @ THIMMAMMA
   W/O RAVI
   AGED ABOUT 28 YEARS
   BOTH ARE RESIDING AT
   KODIPURA VILLAGE,
   MALAVALLI TALUK,
   MANDYA DISTRICT.

   PRESENT RESIDING AT
   C/O MADEGOWDA, P.HALLY VILLAGE, SRIRANGAPATNA TALUK,
   MANDYA DISTRICT, PIN-571438.

...APPELLANTS

(BY SRI. SANATH KUMARA K M.,ADVOCATE)

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Location: High Court of Karnataka

AND:

1. VASANTHKUMAR K
   S/O KUNNEGOWDA K S
   MAJOR
   R/O NO.54-1, KODIPURA VILLAGE
   MALAVALLI TALUK
   MANDYA DISTRICT
   PIN-571475.

2. THE DIVISIONAL MANAGER,
   UNITED INDIA INSURANCE COMPANY LTD.,
   VENKTESWARA PLAZA,
   NO.2912, 1ST STAGE,
   SARASWATHIPURAM,
   MYSURU.

PIN-570009.

RESPONDENTS

(BY SRI. S KRISHNA KISHORE.,ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.03.2019 PASSED IN MVC NO. 507/2018 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, SRIRANGAPATANA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC,.

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 seeking enhancement of compensation being aggrieved by the judgment and award dated 21.03.2019 passed in MVC.No.507/2018 by the Court of Principal Senior Civil Judge and Motor Accident Claims Tribunal, Srirangapatana (for short, 'Tribunal').

2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. Sri. Sanath Kumar K.M, learned counsel for the appellants submits that the Tribunal has committed a grave error in assessing the income of the deceased by ignoring Ex.P7 the pay slip which indicate that the deceased was drawing more

than Rs.26,620/-. It is submitted that the Tribunal has filed to award consortium to one of the parent. Hence, he seeks to re-assess the compensation properly.

4. Sri. S. Krishna Kishore, learned counsel for respondent No.2 supports the impugned judgment and award of the Tribunal and submits that except Ex.P.7 nothing is placed on the record to substantiate the income. Hence, award of the compensation by the Tribunal is just and proper, no scope to enhance, hence, he seeks to dismiss the appeal.

5. I have heard the arguments of the learned counsel for the appellants, learned counsel for the respondent No.2 and meticulously perused the material available on record.

6. It is not in dispute that the son of the appellant met with an accident on 14.03.2018, he sustained grievous injuries and succumb to those injuries. The mother and sister of the deceased filed the claim petition. The Tribunal has awarded total compensation of Rs.12,80,000/- with interest at the rate of 9% per annum. It is averred that the deceased was working as a Hksuper in Dusters Total Solutions Services Pvt., Ltd., Bengaluru, and drawing salary of Rs.26,625/-, to substantiate

the same he has produced Ex.P.7. However, it is to be noticed that the said Ex.P.7 is not corroborated with any bank statement, income tax return nor the appellant examined the employer, in the absence of cogent and acceptable evidence, I am of the considered view that the income of the deceased is required to be assessed notionally at Rs.12,500/- per month placing reliance on the notional income chart prepared by KSLSA.

7. The deceased was aged 23 years at the time of the accident and hence, the compensation under the head loss of dependency has to be calculated with additional 40% towards the future prospects of the income of the deceased. The appropriate multiplier would be '18' and towards personal expenses, 50% has to be deducted. Hence, the loss of dependency would come to (12,500/- + 40% x 12 x 18 -50%) =Rs.18,90,000/-.

8. The claimants are the mother and sister of the deceased and each of them are entitled for Rs.40,000/- consortium with 10% escalation on the said amount, which would Rs.44,000/- x 2 = Rs.88,000/-.

9. The appellants are entitled for compensation of Rs.15,000/- + 10% escalation under the head transportation of dead body and funeral expenses, which comes to Rs.16,500/-.

10. The appellants are entitled for compensation of Rs.15,000/- + 10% escalation for loss of estate amounting to Rs.16,500/-. Hence, the appellants would be entitled to modified compensation as under:

HEADS	**AMOUNT (in Rs.)**
Loss of dependency	18,90,000/-
Loss of consortium	88,000/-
Transportation of dead body & funeral expenses	16,500/-
Loss of estate	16,500/-
Total	**20,11,000/-**

Thus, the appellants-claimants shall be entitled to a total compensation of **Rs.20,11,000/-** as against Rs.12,80,000/- awarded by the Tribunal.

11. In the result, this Court proceeds to pass the following:

ORDER

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

b) The impugned judgment and award dated 21.03.2019 passed in MVC.No.507/2018 by the Court of Principal Senior Civil Judge and Motor Accident Claims Tribunal, Srirangapatana is modified to an extent that the appellants-claimants would be entitled to total compensation of **Rs.20,11,000/-** as against Rs.12,80,000/- awarded by the Tribunal.

c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.

d) The respondent No.2 - insurance company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.

e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.

f) Registry shall transmit the records to the Tribunal forthwith.

g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

PNV - List No.: 1 Sl No.: 16