HC-KAR
CNR: KAHC010544252026

NC: 2026:KHC:64682
MFA No. 5803 of 2026
C/W MFA No. 1081 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5803 OF 2026

(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL No. 1081 OF 2026

(MV-D)

IN MFA No. 5803/2026

BETWEEN:

1. M.RAJA RAM
   AGED ABOUT 54 YEARS
   C/O. MUNISWAMY.
   R/AT. No.1769/1, 8TH CROSS
   GAYITHRI SCHOOL ROAD
   VIJINAPURA, BENGALURU NOUTH
   BENGALURU- 560 016.

2. R. BHAGYA LAKSHMI
   W/O. M. RAJA RAM
   AGED ABOUT 45 YEARS
   R/AT. No.502, BAJANA KOVIL
   STRECT, SOMESHWARA BLOCK,
   OORGAUMPET, K.G.F,
   BANGARAPET, KOLAR-563 121.

...APPELLANTS

(BY SRI. N R RANGEGOWDA, ADVOCATE)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. M/S. THE PRINCIPAL REGIONAL COLLEGE OF MANAGEMENT, BENGALURU
SURVEY No. 31/4, 34/5
MUDUGURKI, BENGALURU
DEVANAHALLI
BENGALURU RURAL-562 110.
REP. BY SECRETARY.

2. RELIANCE GENERAL INSURANCE CO. LTD.,
REP. BY ITS MANAGER
No.28, 5TH FLOOR
CENTENARY BUILDING
EAST WING, M.G.ROAD
BENGALURU-560 001.

…RESPONDENTS

(BY SRI RAVI S SAMPRATHI, ADVOCATE FOR R2
V/O DTD. 02.09.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED: 16-12-2025 PASSED IN MVC No.8591/2024 ON THE FILE OF THE X ADDL. JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA No. 1081/2026

BETWEEN:

RELIANCE GENERAL INSURANCE CO., LTD.,
No. 28, EAST WING, 5TH FLOOR
CENTENARY BUILDING, MG ROAD
BENGALURU-560 001.
REPRESENTED BY ITS MANAGER-LEGAL.

...APPELLANT

(BY SRI. RAVI SHANKAR S SAMPRATHI, ADVOCATE)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. SRI RAJA RAM
   C/O N. MUNISWAMY,
   AGED ABOUT 54 YEARS
   R/AT No. 1769/1, 8TH CROSS

2. SMT. R. BHAGYA LAKSHMI
   W/O M. RAJA RAM
   AGED ABOUT 45 YEARS
   R/AT No. 502, BAJANA KOVIL STREET
   SOMESHWARA BLOCK, OORGAUMPET
   K.G.F., BANGARAPET
   KOLAR-563 121.

3. THE PRINCIPAL
   REGIONAL COLLEGE OF MANAGEMENT,
   SURVEY No. 31/4 AND 34/5
   MUDUGURKI, DEVANAHALLI
   BENGALURU-562 110.

...RESPONDENTS

(BY SRI. N R RANGEGOWDA, ADVOCATE FOR R1 & R2
V/O DTD. 12.02.2026, NOTICE TO R3 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:16.12.2025 PASSED IN MVC No.8591/2024 ON THE FILE OF THE X ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU (SCCCH-16), PARTLY ALLOWING COMPENSATION OF Rs.26,26,800/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

THESE APPEALS, COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

ORAL JUDGMENT

MFA No.5803/2026 is filed by the claimant seeking enhancement of the compensation and MFA No.1081/2026 is filed by the insurer challenging the liability in the Judgment and Award dated 16.12.2025 passed in MVC No.8591/2024 by X Additional Judge, Court of Small Causes and Member MACT, Bangalore (SCCH-16).

2. Even though both appeals are listed today for admission, they are taken up for disposal with the consent of learned counsels for the parties.

3. Claimants made a claim petition praying to award compensation for the death of Jai Kumar M.R, in a road traffic accident occurred on 23.10.2024 contending that the accident occurred due to the rash and negligent driving of the driver of the Bus bearing registration No.KA-16/B-1773. The Tribunal after recording evidence, appreciating the evidence on record, has assessed the compensation and awarded the compensation under various heads as under:

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Sl.No.	Head of Compensation	Amount/Rs
1.	Loss of dependency	Rs.24,94,800-00
2.	Loss of filial consortium	Rs.96,000-00
3.	Loss of estate	Rs.18,000-00
4.	Funeral expenses	Rs.18,000-00
	Total	**Rs.26,26,800-00**

4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realization and directed the insurer of the bus to deposit the award amount with interest. The claimant has filed appeal seeking enhancement of the compensation and the insurer of the bus has filed the appeal contending that there is contributory negligence on the part of the deceased.

5. Heard learned counsel for insurer and learned counsel for claimants.

6. Learned counsel for insurer would contend that the accident occurred when the bus and motorcycle were proceeding in the same direction and at that time,

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motorcycle dashed to the rare left side of the bus and that can be seen in Ex.P4 -sketch of the spot and it clearly indicate the contributory negligence on the part of the deceased. He further submits that the Motor Vehicle Inspector report –Ex.P9 of the bus and Ex.P10 of the motorcycle indicate that bus is found with scratch marks on left side mud guard and motorcycle is found with scratch mark on left side front wheel, scratch marks on right side leg guard and silencer plate. Considering the said damages, it is clear that the motorcycle dashed to the left rear side of the bus. Therefore, the contributory negligence is also on the part of the deceased. With these, he prays to allow appeal.

7. Learned counsel for the claimant would contend that the charge sheet has been filed against the driver of the bus for rash and negligent driving and the driver has not been examined. The sketch clearly indicates that the bus came, took turn and dashed to the motorcycle. Considering the said aspect, the Tribunal has rightly held

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that the accident occurred due to the sole rash and negligent driving on the part of the driver of the bus. He further submits that the deceased was working in Toyota company as Guest Experience Manager Sales and Ex.P13 is his offer letter wherein his gross monthly salary is Rs.17,801/- and the said income is to be taken. With these, he prays to allow the appeal filed by the claimant.

8. Having heard learned counsels, the Court has perused the judgment, award and the trial court records.

9. The following points arise for consideration:

i) Whether the Tribunal is justified in holding that the accident occurred due to the sole rash and negligent driving on the part of the driver of the insured bus?

ii) Whether there are any grounds for enhancement of compensation?

Re-point No.1

10. The accident occurred on 23.10.2024 at 8 p.m. Ex.P12 is the charge sheet and it is filed against the driver

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of the bus for rash and negligent driving for the offence under Sections 106(1) and 281 of BNS. In the charge sheet it is stated that the driver of the bus drove the same in high speed and in rash and negligent manner and dashed against Pulsar Bike going on its front side due to which the rider of the motor cycle came under rare wheel of the bus and succumbed to the injuries. Ex.P4 is the sketch of the spot of the accident. The bus and motor cycle were coming in the same direction and the motor cycle was on the left side and bus was on the right side of the motor cycle. The bus dashed to the motor cycle taking little left turn. Considering the charge sheet and sketch, it is clear that accident occurred due to sole rash and negligent driving of the driver of the bus. Merely because there are some scratch marks on the mud guard of the bus, it cannot be said that there is contributory negligence on the part of the deceased/rider of motor cycle. Therefore, the Tribunal has rightly held that accident

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occurred due to sole rash and negligent driving of the driver of bus. Accordingly, point No.1 is answered.

Re-point No.2

11. The Tribunal has taken the income of the deceased at Rs.16,500/- p.m. which is the notional income. Ex.P13 is the offer letter issued by Toyota Company wherein the deceased was appointed as Guest Experience Manager – Sales with gross salary of Rs.17,801/-. The said offer letter Ex.P13 is dated 02.07.2024 and the accident occurred on 23.10.2024. Considering the said Ex.P13, income of the deceased has to be taken at Rs.17,600/- after deducting Rs.200/- towards professional tax. Therefore, the income of deceased is taken at Rs.17,600/- per month. The Tribunal has rightly added 40% future prospects, deducted 50% towards personal expenses of the deceased and applied multiplier '18'. In view of the above, loss of dependency is calculated as under:

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Rs.17,600 + 40% = Rs.24,640 – ½ = Rs.12,320 x 12 x 18 = Rs.26,61,120/-

12. The claimants are entitled to loss of dependency in a sum of Rs.26,61,120/- as against Rs.24,94,800/- as awarded by the Tribunal. The claimants are not seeking any enhancement under other heads.

13. In view of the above, the claimants are entitled to enhanced compensation of Rs.1,66,320/- (Rs.26,61,120 – 24,94,800/-) with interest @ 6% p.a. from the date of petition till realization. The insurer is liable to pay the said enhanced compensation with interest. Accordingly, point No.2 is answered.

14. In view of the above, the following:

ORDER

i) The appeal filed by the insurer in MFA No.1081/2026 is dismissed.

ii) The appeal filed by the claimants in MFA No.5803/2026 is allowed in part**.**

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JUDGE, HIGH COURT OF KARNATAKA

iii) The appellants/claimants are entitled to enhanced compensation of Rs.1,66,320/- with interest @ 6% p.a. from the date of petition till realization.

iv) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

v) The claimants are entitled to release of their equal share in the enhanced compensation amount.

vi) The amount in deposit is ordered to be transmitted to the Tribunal.

Learned counsel for respondent No.2/insurer is permitted to file vakalath within two weeks.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP, DKB
List No.: 1 Sl No.: 67
Ct.sm