HC-KAR

NC: 2026:KHC:62118
MFA No. 1539 of 2025

CNR: KAHC010138642025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1539 OF 2025

(MV-D)

BETWEEN:

1. SMT. SUMITHRA
   W/O. GURUKUMARA B.K.
   D/O. LATE CHIKKASHETTY
   AGED ABOUT 58 YEARS
   R/AT No. 101, AJAD NAGAR
   NAVAGRAHA TEMPLE STREET
   KNS CIRELE, KANAKAPURA TALUK
   RAMANAGARA DISTRICT.

2. SMT. PREMA
   W/O. LATE SIDDALINGAIAH
   D/O. LATE CHIKKASHETTY
   AGED ABOUT 53 YEARS

3. SRI. MADESHA C
   S/O. LATE CHIKKASHETTY
   AGED ABOUT 51 YEARS.

4. SRI NAGARAJU C
   S/O. LATE CHIKKASHETTY
   AGED ABOUT 48 YEARS.

   APPELLANTS 2 TO 4 ARE
   R/AT: KOODLURU ROAD
   CHIKKAMALURU VILLAGE

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

CHANNAPATNA TALUK
RAMANAGARA DISTRICT.

…APPELLANTS

(BY SRI B CHANDRASHEKHARAIAH, ADVOCATE FOR
SRI RAJU S, ADVOCATE)

AND:

1. SRI. ANOOP R
S/O. RAVINDRA KUMAR
R/AT: FLAT No.305
ARUSH ARYA APARTMENTS
CHENNASANDRA, R.R. NAGARA
BENGALURU-560 098.

2. UNITED INDIA INSURANCE CO., LTD.
1ST FLOOR, OPP: RVR COMPLEX
BEHIND LIC OFFICE
KSRTC BUS STAND IJOOR
RAMANAGARA-562 159.

…RESPONDENTS

(BY SRI H C BETSUR, ADVOCATE FOR R2
V/O DTD. 05.10.2026. NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:02.08.2024 PASSED IN MVC No.22/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, ADDITIONAL MACT, CHANNAPATNA, 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 MR. JUSTICE SHIVASHANKAR AMARANNAVAR

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ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 02.08.2024 passed in MVC No. 22/2021 by the Senior Civil Judge and Additional MACT, Channapatna.

2. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 2 – Insurer.

3. Appellants – claimants made a claim petition praying to award compensation for the death of their father – Sri. Chikkashetty in a road traffic accident that occurred on 26.05.2020 due to the rash and negligent driving by the driver of car bearing registration No. KA-05-MK-4227. The Tribunal after recording evidence, appreciating the evidence on record, assessed the

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compensation and awarded compensation under different heads as under:

SL.No.	Compensation under the Heads	Amount in Rs.
1	Loss of Dependency	9,13,500-00
2	Loss of Estate	15,000-00
3	Loss of Consortium	40,000-00
4	Funeral Expenses	15,000-00
	Total	**Rs.9,83,500-00**

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimants seeking enhancement of the compensation awarded, have filed the present appeal.

5. The accident occurred on 26.05.2020. Appellants have not sought for enhancement under the head `loss of dependency' awarded by the Tribunal in a sum of Rs.9,13,500/-.

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6. Claimants are two daughters and two sons of the deceased. The Tribunal has awarded consortium in a sum of Rs.40,000/-. All the claimants are entitled to consortium in a sum of Rs.40,000/- each with escalation at 10% since the accident has occurred after 3 years from the decision of the Hon'ble Apex Court in the case of ***National Insurance Company Vs Pranay Sethi and Others*** reported in ***AIR 2017 SC 5157.*** Therefore, claimants are entitled to consortium in a sum of Rs.1,76,000/- (Rs.44,000 X 4).

7. Even though the Tribunal has awarded compensation towards loss of estate in a sum of Rs.15,000/- and funeral expenses in a sum of Rs.15,000/- has not added 10% escalation. Therefore, claimants are entitled to loss of estate in a sum of Rs.16,500/- and funeral expenses in a sum of Rs.16,500/-.

8. In view of the above, claimants are entitled to total compensation under various heads as under:

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1	Loss of dependency	Rs.9,13,500/-
2	Loss of estate	Rs.16,500/-
3	Funeral expenses	Rs.16,500/-
4	Consortium	Rs.1,76,000/-
	Total	**Rs.11,22,500/-**

9. Considering the above aspects claimants are entitled to total compensation of Rs.11,22,500/- as against Rs.9,83,500/- awarded by the Tribunal with interest Consequently, claimants are entitled to enhanced compensation of Rs.1,39,000/- with interest at 6% p.a. from the date of petition till the date of realization. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

10. In view of the above, the following;

O R D E R

a. Appeal is allowed in part.

b. Claimants are entitled to enhanced compensation of Rs.1,39,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

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c. Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

d. Appellants – claimants are entitled to release of entire enhanced compensation in the ratio of 25 : 25 : 25 : 25.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 19
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