HC-KAR

NC: 2026:KHC:59976
MFA No. 3000 of 2023

CNR: KAHC010216492023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 3000/2023 (MV-D)

BETWEEN:

1. GEETHA
   W/O LATE SHASHIDHARA
   AGED ABOUT 49 YEARS

2. HEMALATHA
   D/O LATE SHASHIDHARA
   AGED ABOUT 26 YEARS

3. LOKESHWARI
   D/O LATE SHASHIDHARA
   AGED ABOUT 22 YEARS

4. VINUTHA
   D/O LATE SHASHIDHARA
   AGED ABOUT 25 YEARS

   ALL ARE RESIDING AT MACHAGOWDANAHALLI
   VILLAGE, HALEKOTE HOBLI,
   HOLENARASIPURA TALUK,
   HASSAN DISTRICT

...APPELLANTS

(BY SRI. SHRIPAD V SHASTRI.,ADVOCATE)

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AND:

1. THE DIVISIONAL CONTROLLER
KSRTC, HASSAN DEPOT, B M ROAD,
HASSAN

…RESPONDENT

(BY SRI. ASHOK NARAYAN NAYAK.,ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.02.2022 PASSED IN MVC NO. 257/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, HOLENARASIPURA, PARTLY ALLOWING THE CLAIM 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 MRS. JUSTICE GEETHA K.B.

ORAL JUDGMENT

This is the appeal filed under Section 173 (1) of the Motor Vehicles Act, 1988 (in short 'M.V Act') by the appellants/claimants, not satisfied with the compensation awarded in the judgment and award dated 02.02.2022 passed in MVC No.257/2020 on the file of Senior Civil Judge and JMFC, Holenarasipura (in short 'the Tribunal').

2. Parties would be referred with their ranks, as they

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were before the Tribunal for the sake of convenience and clarity.

3. The claimants have filed the claim petition under Section 166 of MV Act praying for compensation in respect of death of Sri Shashikumar, the husband of claimant No.1 and father of claimants No.2 to 4 in a road traffic accident involving the bike bearing registration No.KA.13/0571 and KSRTC bus bearing No.KA.13/F-2158 on Hassan Holenarasipura road near Kittane border. The claimants contended that the deceased was working as LIC agent and Oriental Insurance Company agent, earning ₹25,000/- to ₹30,000/- per month and also getting ₹10,000/- per month from agriculture and thus claimed compensation under different heads.

4. The respondent/KSRTC filed its objections denying the case of claimants in *toto*. They contended that false charge-sheet is filed against the driver of the KSRTC bus. Hence, prayed for dismissal of the claim petition.

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5. After framing issues, recording evidence and hearing arguments of both sides, the Tribunal came to the conclusion that the claimants are entitled for ₹17,50,920/- towards the total compensation and also held that the income of deceased is at ₹20,100/- per month by considering his 2 years income from LIC agency and Oriental Insurance Company's Agency. The compensation awarded by the tribunal is under the following heads:

	Heads	₹
1.	Loss of dependency	15,91,920/-
2.	Funeral expenses	16,500/-
3.	Loss of estate	16,500/-
4.	Loss of spousal consortium to the petitioner No.1	44,000/-
5.	Loss of parental consortium of the petitioner No.2 to 4 (Rs.44,000/- each)	1,32,000/-
	Total:	18,00,920/-
	Less the interim compensation paid to the K.S.R.T.C	50,000/-
	Total:	17,50,920/-

6. The Award was satisfied by the KSRTC.

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7. Not satisfied with the compensation amount awarded by the Tribunal, the claimants are before this court.

8. Heard arguments.

9. The learned counsel for the appellants Sri Shripad V.Shastri appeared through VC and would submit that the deceased was aged 56 years as on the date of accident; at that time, he was doing LIC Agency, Oriental Insurance Company's agency and also doing agriculture. He was possessing agricultural properties. After his death, those properties are mutated into the name of claimant No.1, being his wife, as per Exhibits P.10 to P.15. Thus, the income from agriculture ought to have been added towards the income of deceased. Furthermore, the claimant No.2 was married just a month prior to the claimant No.1 giving evidence. The same is stated by her in her affidavit evidence. However, only by considering the evidence of claimant No.1 in her cross-examination,

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claimant No.2 was not considered for dependency. Hence, prayed for enhancement of compensation.

10. The learned counsel for the respondent would submit that the amount of compensation awarded by the Tribunal is just and reasonable and it requires no interference.

11. Having heard arguments of both sides, verifying the appeal papers and trial court records, the point that arises for consideration is:

> "Whether the claimants are entitled for enhancement of the compensation?"

12. The finding is in the ***"Affirmative"*** for the following reasons:

REASONS

13. The facts established before the Tribunal are that the husband of claimant No.1, who is the father of claimant Nos.2 to 4 met with a road traffic accident

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involving the motor bike and the KSRTC bus and because of the rash and negligent driving of driver of the KSRTC bus, the husband of claimant No.1 died on the spot and he left behind claimant Nos.1 to 4 as his legal representatives.

14. The facts established before the Tribunal are that, the deceased was aged 56 years as on the date of accident. He was born in the year 1963. The date of accident is 25.12.2019. He was doing LIC Agency and Oriental Insurance Company Agency.

15. The claimants have produced RTC extracts as per Exs.P.10 to P.15 to show that deceased possessed around 01.15 acres of landed properties in various survey numbers. After his death, those properties were mutated into the name of claimant No.1 due to death.

16. The trial court has taken the income of deceased only from LIC Agency and Oriental Insurance Company's Agency but not taken the income from agriculture.

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17. In the claim petition and also in the evidence, it is stated that the deceased was earning ₹10,000/- per month from the agriculture. However, no document is produced to substantiate it. But, it is not in dispute that deceased owned some agricultural properties and thus, he would get some income from it. Hence, this court holds that considering the income from other sources and agriculture, the total income of deceased per month could be taken at ₹25,000/-.

18. By placing reliance on the judgment of the Hon'ble Apex Court in ***National Insurance Company Limited vs. Pranay Sethi and others***, reported in ***(2017) 16 Supreme Court Cases 680***, 10% of the income is to be added towards future prospects. In the affidavit evidence, claimant No.1 has stated that her daughter Hemalatha (claimant No.2) married a month prior to filing of the said affidavit evidence. In this regard, in the cross-examination, she admitted that claimant No.2 was married

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and given to a person of Doddakaranuru and she is residing in her husband's house. The factum of marriage is stated by the claimant No.1 in her affidavit evidence itself. There is no cross-examination that claimant No.2 married prior to the death of Shasidhara. Hence, considering the affidavit evidence and the cross- examination of claimant No.1, it is to be held that claimant No.2 was unmarried as on the date of death of her father. The cause of action arose as on the date of death and as on the date of death, claimant No.2 was also unmarried and thus dependent on the deceased. Thus, there were four 4 dependents.

19. By placing reliance on ***Sarla Verma's*** case, 1/4th of the income of deceased is to be deducted towards his personal and living expenses and not 1/3rd as taken by the Tribunal. The Tribunal has not considered the affidavit evidence of the claimant on this point. Hence, this court holds that claimants are entitled for ₹22,27,500/-

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(₹25,000/- + 10% x 12 x 9 x 3/4th) towards 'loss of dependency' and not ₹15,91,920/-.

20. As far as compensation awarded by the Tribunal on other heads, it is just and reasonable and requires no interference.

21. Hence, the claimants are entitled for the compensation under the following heads :

	Heads	₹
1.	Loss of dependency	22,27,500/-
2.	Funeral expenses	16,500/-
3.	Loss of estate	16,500/-
4.	Loss of spousal consortium to the petitioner No.1	44,000/-
5.	Loss of parental consortium of the petitioner No.2 to 4 (Rs.44,000/- each)	1,32,000/-
	Total:	24,36,500/-
	Less the interim compensation paid to the K.S.R.T.C	50,000/-
	Total:	23,86,500/-

22. Hence, this Court passes the following:

ORDER

i) The Appeal is ***allowed in part.***

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ii) The claimants are entitled for total compensation of ₹**23,86,500/-** instead of ₹**17,50,920/-** awarded by the Tribunal.

iii) The respondent shall deposit the compensation amount with accrued interest before the Tribunal within a period of (8) weeks from the date of receipt of certified copy of this judgment.

iv) The claimants are entitled for interest at 6% per annum on enhanced compensation; however, the claimants are not entitled for interest on delayed period of 326 days as per order dated 04.08.2026;

v) Apportionment, disbursement and deposit shall be as per the order of the Tribunal.

vi) No Order as to costs

vii) Draw modified award accordingly.

viii) The amount in deposit shall be transmitted to the Tribunal.

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ix) Registry to transmit the TCR to the Tribunal forthwith.

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(GEETHA K.B.)
JUDGE

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List No.: 1 Sl No.: 36