HC-KAR
CNR: KAHC010225822025

NC: 2026:KHC:62502
MFA No. 2487 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2487 OF 2025

(MV-D)

BETWEEN:

1. SRI S RAMESH
   S/O LATE SHAMANNA
   NOW AGED ABOUT 53 YEARS.

2. SMT. INDRANI.G
   W/O S. RAMESH.
   NOW AGED ABOUT 44 YEARS.

   BOTH ARE RESIDING AT:
   No.188, PACHAPPA ROAD
   SARAKKI, J.P.NAGAGAR, 1ST PHASE
   BENGALURU-560 078.

...APPELLANTS

(BY SRI. GIRIMALLAIAH, ADVOCATE)

AND:

1. RELIANCE GENERAL INSURANCE
   COMPANY LIMITED.,
   BRANCH OFFICE, No.20, EAST WING
   5TH FLOOR, CENTENARY BUILDING
   M.G.ROAD, BENGALURU-560 0051.
   BY ITS MANAAGER.

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JUDGE, HIGH COURT OF KARNATAKA

2. M/S JYOTHI GROUPS
PROP: PREM KUMAR
No.80/84,
KENGERI KEMPOHALLI VILLAGE
BILLANAKOTE
ANJANEYA DEVASTANA
SOMPURA HOBLI,
NELAMANGALA TALUK-562 111.
BENGALURU RURAL DISTRICT.

3. GO DIGIT GENERAL INSURANCE LTD.,
PIONEER ATLANTIS, No.94-95,
4TH 'B' CROSS ROAD, 5TH BLOSK
KORAMANGALA INDUSTRIL LAYOUT
KORAMANGALA
BENGALURU-560 095.
BY ITS MANAAGER.

4. SMT. SUNANDA
W/O GOVINDARAJU
MAJOR
(AGE OF RESPONDENT No.4
NOT KNOWN TO APPELLANTS)
No. E/07, SARAKKIKERE
J.P.NAGAR 6TH PHASE
BENGALURU-560 078.

…RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R1
V/O DTD. 25.09.2026, NOTICE TO R2-R4 ARE
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 10.12.2024 PASSED IN MVC No.1827/2022 ON THE FILE OF THE XXIV ADDITIONAL SMALL CAUSES JUDGE AND ACJM, MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU (SCCH-26), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 10.12.2024 passed in MVC No.1827/2022 by the XXIV Additional Small Causes Judge and MACT, Bengaluru (SCCH-26).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.1 –insurer.

3. The appellants made a claim petition praying to award compensation for the death of Sushma R., in a road traffic accident occurred on 22.12.2021 contending that the accident occurred due to rash and negligent driving of the driver of Canter bearing registration No.KA-52/B-0013.

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The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of Dependency	22,68,000/-
02.	Loss of filial consortium to petitioner Nos.1 and 2	88,000/-
03.	Loss of estate	16,500/-
04.	Funeral expenses	16,500/-
	Total	**23,89,000/-**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.1 -insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.1 –insurer.

6. The accident occurred on 22.12.2021 and as on the date of accident, the deceased was aged 19 years. Considering the said age of the deceased, the Tribunal has

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rightly applied multiplier '18'. The deceased was studying in BCA second year. Ex.P18 and 19 are statement of marks of the deceased for first and second semester. The Tribunal has taken the notional income of Rs.15,000/- per month. Considering the fact that the deceased was meritorious student studying in second year of BCA, the income is to be taken higher than the notional income. Therefore, the income of the deceased is taken at Rs.20,000/- per month. The Tribunal has rightly added 40% towards future prospects, deducted 50% towards personal expenses of the deceased. In view of the above, the loss of dependency is calculated as under:

Rs.20,000/- + 40% = Rs.28,000/- less 50% = Rs.14,000/- x 12 x 18 =Rs.30,24,000/-.

7. Claimants are entitled to loss of dependency in a sum of Rs.30,24,000/- as against Rs.22,68,000/- as awarded by the Tribunal. Consequently, claimants are entitled to enhanced compensation under the head of loss

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of dependency in a sum of Rs.7,56,000/- with interest at the rate of 6% per annum from the date of petition till realization. The compensation awarded under other heads are just and proper. Respondent No.1 -insurer is liable to pay the said enhanced compensation with interest.

8. In view of the above the following

ORDER

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

ii) Appellants -claimants are entitled to enhanced compensation of Rs.7,56,000/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) Respondent No.1 shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

iv) Appellants/claimants are entitled to 40:60 share in the enhanced compensation.

v) Out of the enhanced compensation, 50% share of the appellants/claimants shall be kept in

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their name in fixed deposit with the Karnataka Bank, City Civil Court Branch, Bangalore, for a period of 05 years and remaining 50% shall be released to them.

vi) Registry is directed to send back the trial Court records.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 36