NC: 2026:KHC:22555
MFA No. 2897 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2897 OF 2025 (MV-I)

BETWEEN:

1. SMT. PARVATHI
   AGED ABOUT 54 YEARS,
   W/O LATE A.H. ANANDKUMAR,

2. KUM. BHAVYA A.A.
   AGED ABOUT 28 YEARS,
   D/O LATE A.H. ANANDKUMAR,

3. SMT SHANTHAMMA,
   AGED ABOUT 73 YEARS,
   W/O LATE HONNEGOWDA,
   ALL ARE R/A CHIKKAKUNDA VILLAGE,
   KODLIPET HOBLI, SOMWARPET TALUK,
   KODAGU DISTRICT-571 231.

APPELLANTS

(BY SRI. RAGHU R.,ADVOCATE)

Digitally signed by PADMASHREE SHEKHAR DESAI
Location: High Court of Karnataka

AND:

1. BASAVARAJU
   AGED ABOUT 48 YEARS,
   S/O SHANTHA GOWDA,
   R/O SHIVAPURA VILLAGE,
   KODLIPETE POST AND HOBLI,
   SOMWARPET TALUK,
   KODAGU DISTRICT - 571231

(OWNER OF MOTORCYCLE BEARING REG. NO. KA-12-Q-6349).

2. THE MANAGER,
M/S UNIVERSAL SOMPO GENERAL
INSURANCE CO. LTD, UNIT NO.401,
4TH FLOOR, SANGAM COMPLEX, 127,
ANDHERI KURLA ROAD,
ANDHERI (EAST), MUMBAI-4000519.

3. THE MANAGER,
M/S UNIVERSAL SOMPO GENERAL
INSURANCE CO. LTD.
NO. 363, 2ND FLOOR,
GURUKARA DEVANNA STREET,
FORT MOHALLA, MYSORE -570001.

RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY NA.,ADVOCATE FOR SRI. B. PRADEEP., ADVOCATE FOR R2;

V/O DTD 24.04.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.15.03.2019 PASSED IN MVC NO.117/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, MADIKERI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC,.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellants/claimants under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 15.03.2019 passed in MVC.No.117/2017 on the file of the learned Senior Civil Judge and MACT, Madikeri, seeking enhancement of compensation.

2. Heard the arguments of learned counsel for the appellant and learned counsel for respondent No.2/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner met with an accident on 27.07.2016, his wife and children filed the claim petition claiming compensation of Rs.25,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.7,89,088/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of deposit. Being aggrieved by the said order, this appeal is filed and mainly contended that the Tribunal erred in taking the multiplier as '11' instead of '13', though the deceased was aged 50 years at the time of the accident. The amounts granted under the other heads are

meager and it is further stated that AH. Anand Kumar was earning Rs.15,000/- per month, but the Tribunal has taken average income as Rs.8,000/- per month. Therefore, requested for enhancement of compensation.

4. It was stated that AH. Anand Kumar, was working as a tailor and agriculturalist and earning Rs.15,000/- per month, but they have not filed any income proof. As the accident is of the year 2016 this Court finds it to take his notional income as Rs.9,500/- per month as per the chart prepared by the Karnataka State Legal Services Authority. As the deceased was aged 50 years, and the relevant multiplier is '13' and future prospect is to be taken at the rate of 25% and 1/3rd is to be deducted towards personal expenses. So loss of dependency comes to Rs.9,500/- + 25% X 12 X 13 - 1/3rd =Rs.12,35,052/-. Petitioner No.1 is entitled Rs.44,000/- towards spousal consortium and petitioners Nos.2 and 3 are entitled for Rs.44,000/- each towards parental consortium and the claimants are entitled for Rs.33,000/- under the convention heads.

5. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards loss of dependency	12,35,052/-
2.	Loss of spousal consortium	44,000/-/-
3.	Parental consortium	88,000/-
4.	Loss of conventional heads	33,000/-
	Total	**14,00,052/-**

6. Hence, the appellants-claimants are entitled for a total compensation of Rs.14,00,052/- along with interest at the rate of 6% p.a.

7. In the result, the following order is passed:

ORDER

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

ii. The judgment and award dated 15.03.2019 passed in MVC.No.117/2017 on the file of the learned Senior Civil Judge and MACT, Madikeri, is modified.

iii. The claimants are entitled to a sum of **Rs.14,00,052/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.7,89,088/- granted by the tribunal.

iv. Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.6,10,964/-** along with the interest at the rate of 6% within one month from the date of this order.

v. On such deposit, petitioner No.1 / wife of the deceased is permitted to withdraw the said amount along with interest accrued on the same.

vi. The claimants are not entitled for interest for delay period of 1412 days as per order dated 24.04.2026 passed on IA.No.1/2025.

Sd/-
(P SREE SUDHA)
JUDGE

PNV
List No.: 1 Sl No.: 12