HC-KAR

NC: 2026:KHC:65312
MFA No. 2714 of 2026

CNR: KAHC010264322026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2714 OF 2026

(MV-I)

BETWEEN:

1. SMT. M.B. SUCHITHRA,
   W/O. LATE T.D. RAVISHANKAR
   AGED ABOUT 51 YEARS.

2. DISA T.R.
   D/O. LATE T.D. RAVISHANKAR
   AGED ABOUT 30 YEARS.

   BOTH ARE R/AT 3RD CROSS
   SIT EXTENSION
   TUMAKURU 572 102.

...APPELLANTS

(BY SRI SUNIL K N, ADVOCATE FOR
SRI RAMESH K R, ADVOCATE)

AND:

1. SRI. GOPINATH V.S.
   S/O. SANNAPPA
   MAJOR IN AGE
   VENGALANMMANAHALLI
   MADHUGIRI TALUK
   TUMAKURU DISTRICT - 572 132.

2. HDFC ERGO GENERAL
   INSURANCE CO. LTD.
   H.M. GENEVA HOUSE
   UNIT No. 14, 108 TO 111

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

1ST FLOOR, CUNNINGHAM ROAD
BENGALURU - 560 052.

3. SRI. KHALEEL AHMED
S/O. MOHAMMED HUSSAIN SAB
MAJOR IN AGE
R/AT TIPPU NAGAR MAIN ROAD
HUSSAIN KERE LAYOUT
WARD No.28, SALEEM NAGAR
HASSAN DISTRICT - 573 201.

…RESPONDENTS

(BY SRI H S LINGARAJU, ADVOCATE FOR R2
V/O DTD. 16.06.2026, NOTICE TO R1 AND R3 ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:04.10.2025 PASSED IN MVC No.422/2021 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, TUMAKURU, 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 MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 04.10.2025 passed in MVC No.422/2021 by Principal Senior Civil Judge and MACT -XI, Tumakuru.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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.2 -insurer.

3. The appellants made a claim petition praying to award compensation for the death of T. D. Ravishnakar in a road traffic accident occurred on 28.01.2021 contending that the accident occurred due to rash and negligent driving of the driver of lorry bearing registration No.KA-32/A-8273. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Loss of dependency	Rs.52,00,000/-
Loss of estate	Rs.60,000/-
Loss of consortium	Rs.60,000/-
Funeral and transport expenses	Rs.25,000/-
Total	**Rs.53,45,000/-**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

and directed respondent No.2 -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.2 –insurer.

6. The accident occurred on 28.01.2021 and as on the date of accident, the deceased was aged 49 years. Considering the said age of the deceased, the Tribunal has rightly applied multiplayer '13'. The deceased was an income tax assessee and he has produced the income tax returns under Ex.P6 for the years 2017-18, 2018-19 and 2019-20. The respondent has also produced income tax returns filed by the deceased under Ex.R6 for same years. In cases of income tax returns filed showing the income of the deceased, average of 03 years income as mentioned in the income tax returns is to be taken. The income stated in income tax returns filed for the assessment year 2017-18 is Rs.5,48,950/-, for 2018 -19 is Rs.6,50,100/- and for

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

2019 -20 is Rs.5,21,209/- . The average of the said 03 years income is Rs.5,73,420/- (Rs.17,20,259/- divided by 03). On the said average income of Rs.5,73,420/- if the income tax is calculated then the income tax payable is around Rs.24,000/-. The said income tax of Rs.24,000/- is to be deducted in the average yearly income of Rs.5,73,420/-. The net income is Rs.5,49,420/- per annum. The Tribunal has taken only Rs.4,80,000/- per annum and therefore, the income now to be taken is Rs.5,49,420/- per annum. The Tribunal has rightly added 25% towards future prospects, deducted 1/3rd towards personal expenses of the deceased and applied multiplier '13'. In view of the above, claimants are entitled to loss of dependency as under :

Rs.5,49,420/- + 25% = Rs.6,86,775/- less 1/3rd = Rs.4,57,850/- x 13 = Rs.59,52,050/-.

7. The claimants are entitled to consortium in a sum of Rs.40,000/- each with 10% escalation i.e. Rs.88,000/- (Rs.44,000/- x 2) as against Rs.60,000/- as

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

awarded by the Tribunal. The claimants are entitled to loss of estate in a sum of Rs.16,500/- as against Rs.60,000/- as awarded by the Tribunal and Rs.16,500/- towards funeral expenses and transportation of dead body as against Rs.25,000/- as awarded by the Tribunal.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	59,52,050/-
02.	Loss of consortium	88,000/-
03.	Loss of estate	16,500/-
04.	Loss of funeral expenses	16,500/-
	Total	**60,73,050/-**

The claimants are entitled to total compensation of Rs.60,73,050/- as against Rs.53,45,000/- as awarded by the Tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.7,28,050/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

9. In view of the above, the following

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

ORDER

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

ii) The appellants -claimants are entitled to enhanced compensation of Rs.7,28,050/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

iv) Claimants are entitled to release of entire enhanced compensation amount in the ratio of 75:25.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 24
Ct.sm