CNR: KAHC010357822026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3775 OF 2026 (MV-D)

BETWEEN:

1. SMT. FARZANA,
   W/O. LATE ABDUL HAMEED
   AGED ABOUT 49 YEARS,

2. MOHAMMED ZAINUDDIN ZIDAN
   S/O. LATE ABDUL HAMEED
   AGED ABOUT 19 YEARS

3. MOHAMMED ZIYAN
   S/O. LATE ABDUL HAMEED
   AGED ABOUT 17 YEARS

   APPELLANT NO.3 IS MINOR
   SINCE REP. BY HIS NATURAL GUARDIAN-
   MOTHER APPELLANT NO.1

   ALL ARE R/AT: PUMP HOUSE ROAD,
   NEAR K.E.B, 3RD CROSS ROAD,
   BELUR PATNA,
   HASSAN DISTRICT - 573 201.

…APPELLANTS

(BY SRI. B. PRADEEP KUMAR, ADVOCATE FOR
SRI. RAJU S., ADVOCATE)

AND:

1. SRI. AMAR C.B.,
   S/O. BOREGOWDA, MAJOR,
   R/AT NO.532;2, GANDHINAGAR,

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

8TH CROSS ROAD, MANDYA CITY,
MANDYA - 571 401.

2. HDFC ERGO GENERAL
INSURANCE CO. LTD.,
NO.25/1,2ND FLOOR,
SHANKAR NARAYANA BUILDING,
M.G. ROAD, BENGALURU - 560 001
REP. BY ITS BRANCH MANAGER.

…RESPONDENTS

(BY SRI. D. VIJAY KUMAR, ADVOCATE FOR R2;
V/O. DTD. 10.06.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.01.2026 PASSED IN MVC NO. 363/2021 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC AND ADDITIONAL MACT, CHANNAPATNA, 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 the claimants seeking enhancement of compensation awarded in the Judgment and Award dated 03.01.2026 passed in MVC No.363/2021 by the Principal Senior Civil Judge and JMFC and Additional MACT, Channapatna.

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2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellants and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of Abdul Hameed in a road traffic accident occurred on 17.08.2021 contending that the accident occurred due to rash and negligent driving by the driver of TATA Canter bearing registration No.KA-11-B-7245.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 19,50,000/-
2.	Loss of estate	Rs. 15,000/-
3.	Loss of consortium	Rs. 40,000/-
4.	Funeral expenses	Rs. 15,000/-
	Total	**Rs. 20,20,000/-**

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5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimants have filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellants and learned counsel for respondent No.2/insurer.

7. Learned counsel for appellant submits that the claimants are wife and two minor children of the deceased and the Tribunal has awarding loss of consortium only to one claimant and the Tribunal has not added escalation at 10% on conventional heads. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer submits that the compensation awarded on all heads is just and proper and there are no grounds for

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enhancement. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for the appellants and learned counsel for respondent No.2/insurer, the Court has perused the impugned Judgment and Award.

10. The accident occurred on 17.08.2021. Since the accident occurred after three (03) years of 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,*** 10% escalation is to be added on compensation awarded under conventional heads.

11. The claimants are wife and two minor children of the deceased. Each of the claimants are entitled to consortium in a sum of Rs.40,000/- with 10% escalation i.e., Rs.44,000/-. Therefore the claimants are entitled to consortium in a sum of Rs.1,32,000/- (Rs.44,000/- X 03).

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

12. Considering all the above aspects, the claimants are entitled to enhanced compensation under the following conventional heads:

Sl. No.	**Particulars**	**Amount**
1.	Loss of consortium (Rs.1,32,000/- - Rs.40,000/-)	Rs. 92,000/-
2.	Loss of estate (Rs.16,500/- - Rs.15,000/-)	Rs. 1,500/-
3.	Funeral expenses (Rs.16,500/- - Rs.15,000/-)	Rs. 1,500/-
	Total	**Rs. 95,000/-**

13. The claimants are entitled to enhanced compensation of Rs.95,000/- with interest at the rate of 6% per annum from the date of petition till realisation.

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14. Respondent No.2/insurer is liable to pay the said enhanced compensation amount with interest.

15. In view of the above, the following:

ORDER

*i) Miscellaneous First Appeal is **allowed-in-part**.*

ii) The appellants/claimants are entitled to enhanced compensation of Rs.95,000/- with interest at the rate of 6% per annum from the date of petition till realisation.

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

iv) The entire enhanced compensation shall be released in favour of appellant/claimant No.1.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV List No.: 1 Sl No.: 49