HC-KAR

NC: 2026:KHC:60554
MFA No. 3873 of 2026

CNR: KAHC010357952026

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. 3873 OF 2026

(MV-D)

BETWEEN:

SRI SYED AHMED
SINCE DEAD BY HIS LRS
APPELLANTS 1 TO 5 ARE
ALREADY ON RECORD.

1. ANJUM AFSHAN
   W/O. JAVEED AHAMED
   AGED ABOUT 37 YEARS

2. ASMA BANU
   D/O.LATE SHAIK MOHAMMED PEER
   AGED ABOUT 31 YEARS

   PETITIONER NO.1 AND 2 ARE
   R/AT NO.558, B.M STREET,
   DERA CHANNAPATNA

3. KALID AHAMED
   S/O.LATE SHAIK MOHAMMED PEER
   AGED ABOUT 52 YEARS
   R/AT NO. 1459, 3RD CROSS ROAD
   NEAR MAKAN MASIDI,
   SHANTI NAGAR, VTC
   MYSORE.

4. HARSHIYA BANU
   W/O. SHAMIULLA,
   AGED ABOUT 34 YEARS
   R/AT NO.685, NARASIMASWAMY TITTU,
   HUNASURU, MYSORE

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5. SHABIYA SULTAN
W/O. SYED YUSUF,
AGED ABOUT 36 YEARS
R/AT NO.212,
NARASIMASWAMY TITTU,
SHANTI NAGAR, MYSORE

SYED AHAMED
SINCE DEAD BY HIS LR

6. NAJMA BANU,
W/O LATE SYED AHAMMED,
AGED ABOUT 46 YEARS,
R/AT – NO.558, B.M. STREET CROSS,
DAIRA, CHANNAPATNA,
RAMANAGARA DISTRICT – 562 159

…APPELLANTS

(BY SRI. RAJU S., ADVOCATE)

AND:

1. AHAMMED KABEER
S/O. B.R.MOHAMMED
R/AT MABIR MAJIL, MASIDI ROAD,
KASARAGODU, KERALA – 671 121

2. THE UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, OPP. RVR COMPLEX,
BEHIND L.I.C OFFICE, NEAR K.S.R.T.C BUS STAND,
IJOOR, RAMANAGAR – 562 159

…RESPONDENTS

(BY SRI. S. SHANKAR REDDY, ADVOCATE FOR R2;
VIDE ORDER DATED 12.06.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:1.12.2025 PASSED IN MVC No.186/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AND ADDITIONAL MACT, CHANNAPATNA, PARTLY ALLOWING THE CLAIM PETITION

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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 appellants/claimants seeking enhancement of compensation awarded in judgment and award dated 01.12.2025 passed in MVC No.186/2021 by the Senior Civil Judge and Additional MACT, Channapatna.

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

3. The appellants made a claim petition praying to award compensation for the death of Shaik Mohammed Peer in a road traffic accident occurred on 06.01.2021 contending that the accident occurred due to rash and negligent driving of the driver of Honda City Car bearing

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Regn.No.KL-07-CD-4433. 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	6,75,000/-
02.	Loss of estate	15,000/-
03.	Loss of consortium	40,000/-
04.	Funeral expenses	15,000/-
	Total	**7,45,000/-**

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization 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 appellants and learned counsel for respondent No.2/insurer.

6. Learned counsel for appellants submits that claimants are 02 sons and 04 daughters of the deceased and the Tribunal has only awarded consortium to one claimant in a sum of Rs.40,000/- without any escalation.

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The accident occurred after 03 years of the decision of the Hon'ble Apex Court in the case of ***National Insurance Co.Ltd Vs of Pranay Sethi and Others***[1] and therefore, claimants are entitled to escalation on conventional heads at 10%. Claimants are 02 sons and 04 daughters of the deceased. Therefore, each of them are entitled to consortium in a sum of Rs.40,000/- each with 10% escalation. Therefore, claimants are entitled to a sum of Rs.2,64,000/- (Rs.44,000/- x 6) as against Rs.40,000/- as awarded by the Tribunal.

7. The Tribunal even though awarded loss of estate and funeral expenses 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/-.

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

[1] In AIR 2017 SCC 5157

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Sl.No.	Heads	Amount in (Rs.)
01.	Loss of consortium	2,24,000/-
02.	Loss of estate	1,500/-
03.	Funeral expenses	1,500/-
	Total	**2,27,000/-**

Considering the above aspects, the claimants are entitled to enhanced compensation of Rs.2,27,000/- with interest at the rate of 6% p.a. 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:

ORDER

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

ii) The appellants/claimants are entitled to enhanced compensation of Rs.2,27,000/- with interest at the rate of 6% p.a. from the date of petition till realization.

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

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iv) Appellants are entitled to release of entire enhanced compensation in the ratio of 17:17:17:17:16:16.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 28