CNR: KAHC010361472022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 28TH DAY OF OCTOBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
MISCELLANEOUS FIRST APPEAL NO. 5653 OF 2022
(MV-D)

BETWEEN:

1. RENUKA,
   W/O LATE RANGASWAMY,
   AGED ABOUT 36 YEARS,
   R/AT K. HOSURU VILLAGE,
   HALEBEEDU HOBLI, BELUR TALUK,
   PRESENTLY R/AT NORTHERN EXTENSION,
   ARALIKATTE ROAD,
   HASSAN TALUK - 573 212.

2. SWATHI H. R.,
   D/O LATE RANGASWAMY
   AGED ABOUT 19 YEARS,
   R/AT K. HOSURU VILLAGE,
   HALEBEEDU HOBLI, BELUR TALUK,
   PRESENTLY R/AT NORTHERN EXTENSION,
   ARALIKATTE ROAD,
   HASSAN TALUK - 573 212.

3. MADHUSUDHAN H. R.,
   S/O LATE RANGASWAMY,
   AGED ABOUT 18 YEARS,
   R/AT K. HOSURU VILLAGE,
   HALEBEEDU HOBLI, BELUR TALUK,
   PRESENTLY R/AT NORTHERN EXTENSION,
   ARALIKATTE ROAD,
   HASSAN TALUK - 573 212.

Digitally signed by SUSHMA LAKSHMI B S
Location: High Court of Karnataka

...APPELLANTS

(BY SRI. SHARADAMBA A. R., ADVOCATE)

AND:

1. THIPPESWAMY B. R.,
   S/O RAJASHEKARAPPA,
   AGED MAJOR,
   BELAVADI VILLAGE,
   CHIKKAMAGALURU DISTRICT.

2. THE MANAGER,
   NATIONAL INSURANCE CO. LTD.,
   2ND FLOOR, YASHODHARA CHAMBERS,
   RATHNAGIRI ROAD, P.B.NO.176,
   CHIKKAMAGALURU.
   R/BY MANJUNATHA COMPLEX,
   OLD BUS STAND ROAD,
   HASSAN - 573 201.

...RESPONDENTS

(BY SRI. A. N. KRISHNA SWAMY., ADVOCATE) FOR R2;
R1 IS SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.11.2018, PASSED IN MVC.NO.1885/2016, ON THE FILE OF THE 5TH ADDITIONAL DISTRICT AND SESSIONS JUDGE AT HASSAN, 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 S RACHAIAH

CNR: KAHC010361472022

ORAL JUDGMENT

The appellants are before this Court being aggrieved by the judgment and award dated 16.11.2018 passed in MVC.No.1885/2016 on the file of the 5th Additional District and Sessions Court and Additional MACT at Hassan, seeking enhancement of compensation.

2. The case of the appellants that deceased Rangaswamy was the husband of appellant No.1 and father of appellant Nos.2 and 3. On 26.06.2015, at about 12.30 pm in the afternoon, when Rangaswamy was walking on the left side of Halebeedu - Javagal Road, the Tata Ace vehicle came in a rash and negligent manner and dashed to him. As a result, Rangaswamy fallen down and sustained injuries on his head, legs and other parts of body. Even though he was taken to the hospital, he succumbed to the said injuries. A claim petition was filed by the legal representatives of the deceased. The Tribunal awarded Rs.9,75,000/- along with interest at the rate of 9% per annum.

3. The submission of the learned counsel for the appellants is that the Tribunal has committed error in

considering the income and also awarding compensation under the different conventional heads. Therefore, it has to be enhanced in order to secure the ends of justice. Making such submissions, learned counsel for the appellants prays to allow the appeal.

4. *Per contra*, learned counsel for respondent No.2 vehemently justified the judgment and award passed by the Tribunal and prays to dismiss the appeal.

5. Having heard the learned counsel for the respective parties and on perusal of the findings of the Tribunal, admittedly the accident had occurred in the year 2015. The Tribunal had considered the income of the deceased as Rs.7,500/- per month which is contrary to the settled position of law or guidelines. Therefore, the notional income of the deceased is required to be considered as Rs.9,000/-. Therefore, the compensation under the head of loss of dependency and other conventional heads are required to be re-determined. As per settled principles of law, when compensation under the head of loss of consortium is granted, compensation under the

head of loss of love and affection need not be granted and hence, the same is deleted.

6. Consequently, the award of the Tribunal is modified and the claimants / appellants would be entitled to the compensation as under:-

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Loss of dependency (Rs.9,000 + 40% X 12 – 1/3rd X 15)	9,00,000/-	15,12,000/-
02	Funeral expenses	10,000/-	19,500/-
03	Loss of estate	15,000/-	19,500/-
04	Loss of consortium (Rs.40,000/- X 3 + 30%)	25,000/-	1,56,000/-
05	Loss of love and affection	25,000/-	-
	TOTAL	**9,75,000/-**	**17,07,000/-**

7. In the light of the observations made above, I proceed to pass the following:-

ORDER

i) The appeal is *allowed in part.*

ii) The judgment and award dated 16.11.2018 passed in MVC.No.1885/2016 on the file

of the 5th Additional District and Sessions Court and Additional MACT at Hassan, is modified, granting compensation of Rs.17,07,000/- as against Rs.9,75,000/- awarded by the Tribunal along with interest at the rate of 6% per annum from the date of petition till realization.

iii) The entire compensation amount shall be deposited by the respondent No.2 within a period of six weeks from the date of receipt of the certified copy of this judgment.

iv) The Tribunal is directed to release the entire amount in favour of the claimant.

v) The Registry is directed to communicate the order to the Tribunal and send the records to the Trial Court forthwith.

Sd/-
(S RACHAIAH)
JUDGE

NR/-
List No.: 1 Sl No.: 17