HC-KAR

NC: 2026:KHC:60893
MFA No. 5119 of 2023

CNR: KAHC010381072023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO.5119 OF 2023(MV-D)

BETWEEN:

1. SMT. RADHAMMA,
   W/O LATE PUTTALINGAIAH @
   PUTALINGAPPA,
   AGED ABOUT 44 YEARS,

2. KARTHIK P.,
   S/O PUTTALINGAIAH @
   PUTTALINGAPPA,
   AGED ABOUT 24 YEARS,

3. KEERTHIRAJ P.,
   S/O LATE PUTTALINGAIAH @
   PUTTALINGAPPA,
   AGED ABOUT 22 YEARS,

   ALL ARE R/O KONDAVADI VILLAGE AND POST,
   PURAVARA HOBLI,
   MADHUGIRI TALUK,
   TUMAKURU DISTRICT.

...APPELLANTS

(BY SRI SATHISHA T., ADVOCATE)

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AND:

1. SMT. UMADEVI,
   W/O ANJINAPPA,
   AGED ABOUT 37 YEARS,
   R/AT NO.54, KOLIPURABANDI,
   KODIGEHALLI,
   BENGALURU - 560 092.

2. THE MANAGER,
   HDFC ERGO GENERAL
   INSURANCE COMPANY LTD.,
   NO.25/1, 2ND FLOOR,
   BUILDING NO.2,
   SHANKARANARAYANA
   BUILDING, M.G.ROAD,
   BENGALURU - 560 001.

…RESPONDENTS

(BY SRI B. PRADEEP, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH VIDE ORDER DATED 13.10.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 19.04.2023 PASSED IN MVC NO.391/2021 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND MACT, MADHUGIRI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

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CNR: KAHC010381072023

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

ORAL JUDGMENT

1. This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (in short, 'MV Act') by the appellants/claimants not satisfied with the compensation amount awarded in the Judgment and award dated 19.04.2023 in MVC No.391/2021 on the file of the Addl. Senior Civil Judge & MACT, Madhugiri (in short, 'the Tribunal').

2. The parties would be referred with their ranks, as they were before the Tribunal for the sake of convenience and clarity.

3. The facts established before the Tribunal are that the claimants are the wife and two major sons of the deceased Puttalingaiah @ Puttalingappa and they claim compensation in respect of death of Puttalingaiah @ Puttalingappa in the road traffic accident that had taken place on 24.02.2021 at about 10:30 pm on Madhugiri -

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Sira main road, near Venugopalaswamy temple involving Eicher Canter bearing registration No.KA-02/AE-5158.

4. The contention of the claimants is that the deceased was proceeding near the temple, the offending vehicle came with rash and negligent manner from Sira and dashed against Puttalingaiah and another person. Puttalingaiah died on the spot.

5. After receiving the objection statement from respondents No.1 and 2, who are the owner and Insurance Company of the offending vehicle, after framing issues and recording evidence, the Tribunal concluded that the claimants are entitled for the total compensation of ₹9,90,000/- under the following heads:

1	Loss of dependency	₹8,40,000/-
2	Funeral expenses	₹15,000/-
3	Loss of estate	₹15,000/-
4	Loss of consortium,	₹1,20,000/-
	Total	₹9,90,000/-

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6. Not satisfied with the aforesaid compensation, the claimants are before this Court.

7. Heard arguments of both sides.

8. The learned counsel for the appellants-Sri Sathisha T., appeared through video conference and submits that the age of deceased was 45 years as per Aadhar card of the deceased and thus 25% of the notional income would be added towards future prospects, but the Tribunal has added only 10% to future prospects and the claimants are also entitled for 10% escalation charges on conventional heads. Hence, prayed for allowing the appeal.

9. The learned counsel for the respondent No.2-insurance Company Sri B. Pradeep would submit that the compensation awarded by the Tribunal is just and reasonable and requires no interference.

10. Having heard arguments on both sides, verifying the appeal papers, the point that arise for consideration is:

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"Whether the claimants are entitled for enhancement of the compensation?"

11. The finding of this Court on the above point is in ***Affirmative*** for the following:

REASONS

12. The facts established before the Tribunal are that the claimants are the wife and minor sons of the deceased. Thus, by placing reliance of ***Sarla Verma and Others vs. Delhi Transport Corporation and Another***[1] 1/3rd of income of the deceased was deducted towards his personal and living expenses. The age of the deceased was 45 years. Hence, the relevant applicable multiplier '14' was taken by the Tribunal, which is also proper. The income of the deceased was taken at ₹15,000/- by placing reliance on the chart prepared by the Karnataka State Legal Services Authority, which is also proper. However, by placing reliance of the Hon'ble Apex Court in ***National Insurance Company Limited vs. Pranay Sethi and***

[1] AIR 2009 SC 3104

others[2] the Tribunal ought to have taken 25% of the income towards future prospects, but the Tribunal has not taken the future prospects. Thus, the claimants are entitled for (₹15,000/- + 25% x 12 x 14 x 2/3) = ₹21,00,000/- instead of ₹8,40,000/- awarded by the Tribunal.

13. As far as other conventional heads are concerned, the Tribunal has awarded just and reasonable compensation, but has not added the escalation charges as per ***Pranay Sethi's*** case cited supra. Hence, the claimants are entitled for 10% escalation charges on the compensation under the heads 'Funeral expenses', 'Loss of estate' and ‘loss of consortium’.

14. Hence, the claimants are entitled for compensation under following heads:

1	Loss of dependency	₹21,00,000/-
2	Funeral expenses	₹16,500/-

[2] (2017) 16 Supreme Court Cases 680

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3	Loss of estate	₹16,500/-
4	Loss of consortium	₹1,32,000/-
	Total	₹22,65,000/-

15. Hence, this Court passes the following:

ORDER

a. Appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***allowed in part***.

b. Judgment and award dated 19.04.2023 passed in MVC No.391/2021 on the file of the Addl. Senior Civil Judge & MACT, Madhugiri is modified holding that the claimants are entitled for total compensation of ₹22,65,000/- as against ₹9,90,000/- awarded by the Tribunal.

c. The enhanced compensation shall carry interest at 6% per annum from the date of petition till realization.

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d. The respondent No.2-insurance Company shall deposit the compensation amount with accrued interest before the Tribunal within a period of 8 weeks from the date of receipt of certified copy of this judgment.

e. Apportionment, disbursement and deposit shall be as per the order of the Tribunal.

f. No order as to costs

g. Draw modified award accordingly.

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(GEETHA K.B.)
JUDGE

LL
List No.: 1 Sl No.: 22