HC-KAR

NC: 2026:KHC:64270
MFA No. 6713 of 2017

CNR: KAHC010407712017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO. 6713 OF 2017 (MV-D)

BETWEEN:

1. H.M. SRIKANTH RAO
   S/O LATE H.M. MANJAPPA
   AGED ABOUT 58 YEARS
   AGRICULTURIST
   R/O HOSURU VILLAGE
   VARADAMOOLA POST
   SAGAR TALUK
   SHIVAMOGGA DISTRICT-577 401.

2. MRS. H.S. KUSUMA
   W/O SRIKANTH RAO
   AGED ABOUT 51 YEARS
   AGRICULTURIST
   R/O HOSURU VILLAGE
   VARADAMOOLA POST
   SAGAR TALUK
   SHIVAMOGGA DISTRICT–577 401.

...APPELLANTS

(BY SRI CHINMAY, ADVOCATE FOR
SRI R. GOPAL, ADVOCATE)

Digitally signed by G SHREERAKSHA
Location: HIGH COURT OF KARNATAKA

AND:

1. SHASHIDARA YALIGAR
   S/O CHANNABASAPPA YALIGAR
   AGED MAJOR
   (AGE NOT KNOWN)
   R/O NAVODAYA NAGARA
   14TH CROSS, DHARWAD-580 001
   (OWNER OF DRIVER OF CAR

BEARING NO.KA-25-Z-1848)
DRIVER LICENSE NO.46130/DWD/1988-89
VALID FROM 18/06/2005 TO 19/07/2014
ISSUED BY R.T.O, DHARWAD)

2. THE NATIONAL INSURANCE COMPANY LTD.
DHARWAD – 580 001
REPRESENTED BY ITS MANAGER.

…RESPONDENTS

(BY SRI P.B. RAJU, ADVOCATE FOR R2;
R1-NOTICE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 14.03.2017 PASSED IN MVC NO.71/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C. AND MEMBER, ADDITIONAL M.A.C.T-9, SAGAR. 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 RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 14.03.2017 passed by Senior Civil Judge and JMFC and Additional Motor Accidents Claims Tribunal-9 at Sagar (***Tribunal***) in M.V.C.No.71/2014, this appeal is filed.

2. Sri Chinmay, learned counsel appearing for Sri R Gopal, learned counsel for appellants submitted that appeal was by claimants for enhancement of compensation.

3. Brief facts leading to this appeal were that on 31.05.2013, Goutham Bhat along with others was travelling in Car no.KA-25/Z-1848 near Kalyana Nagar Road when driver lost control and it dashed against a road side tree. As a result, Gautham Bhat sitting on hind seat of car sustained grievous injuries and despite being admitted to SDM Hospital at Dharwad did not recover and succumbed to same. Alleging loss of dependency on account of his sudden death, his parents filed claim petition against owner and insurer of car under Section 166 of Motor Vehicles Act.

4. Despite service of notice, owner did not appear and was placed ex-parte. Only insurer opposed claim

petition on all grounds. Based on pleadings, Tribunal framed issues and recorded evidence.

5. Claimant no.1 deposed as PW.1 and got marked Exs.P1 to P19. Respondent did not lead evidence.

6. On consideration, Tribunal held that accident had occurred due to rash and negligent driving of car by its driver, vehicle was insured and claimants were entitled for compensation of Rs.11,15,000/- from insurer with 6% interest per annum. Dissatisfied with quantum, claimants are in appeal.

7. It was submitted that, as on date of accident, Gautham Bhat was a bachelor 20 years of age, was a State Level Badminton player and coach and earning Rs.10,000/- per month. Though tribunal considered his monthly income at Rs.10,000/- deducted 50% towards personal expenses and applied correct multiplier of '18', it erred in not adding future prospects to monthly income. It was submitted that even compensation awarded under

conventional heads was grossly inadequate and sought enhancement.

8. On other hand, Sri P B Raju learned counsel for respondent no.2 opposed appeal. It was submitted, without proper basis Tribunal had assessed higher monthly income and therefore there would be no scope for enhancement. On said grounds, sought for dismissal.

9. Heard learned counsel, perused impugned judgment and award and record.

10. From above, death of Goutham Bhat in accident involving insured vehicle and being entitled for compensation is not in dispute. Claimants are seeking for enhancement. Therefore, point that would arise for consideration is:

Whether claimants are entitled for enhancement of compensation?

11. Same is answered partly in affirmative for following reasons:

12. Considering academic and sports achievements of deceased supported by Award Certificates, Tribunal assessed monthly income of deceased at Rs.10,000/- per month. Claimants are parents and since deceased was bachelor aged 20 years, rightly applied multiplier of '18' and deducted 1/2 towards personal expenses. But, as held by Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and Others***, reported in ***AIR 2017 SC 5157,*** future prospects has to be added. Since deceased was self employed aged below 40 years, future prospects at 40% has to be added. Thus, compensation towards 'loss of dependency' would be:

(Rs.10,000/+40%)x12x18x1/2=**Rs.15,12,000/-**

13. Since claimants are parents, they would be entitled for filial consortium at Rs.40,000/- each apart

from Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate i.e., **Rs.1,10,000/-**

14. Since more than nine years have lapsed after decision in ***Pranay Sethi's*** case (*supra*), escalation at 30% has to be added i.e., **Rs.33,000/-.** Thus, claimants would be entitled for total compensation of **Rs.16,55,000/-**.

15. Consequently, appeal is ***allowed in part***. Claimants are held entitled for reassessed compensation of **Rs.16,55,000/-** with interest at 6% per annum from date of claim petition till deposit. Respondent-insurer is directed to deposit enhanced compensation before Tribunal within six weeks. On deposit, entire compensation with interest is ordered to be released in favour of claimants.

Sd/-
(RAVI V HOSMANI)
JUDGE

GSR
List No.: 1 Sl No.: 9