HC-KAR

NC: 2026:KHC:65311
MFA No. 5079 of 2026

CNR: KAHC010458772026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5079 OF 2026

(MV-D)

BETWEEN:

1. SMT. LAKSHMAMMA
   W/O LATE LAKSHMANA
   AGED ABOUT 39 YEARS.

2. KUM.SNEHA.L
   D/O LATE LAKSHMANA
   AGED ABOUT 21 YEARS.

3. MASTER RAHUL.H.L
   S/O LAKSHMANA
   AGED ABOUT 16 YEARS.

   THE THIRD APPELLANT IS MINOR
   HENCE HIS MOTHER 1ST APPELLANT
   APPEARS ON BEHALF OF HIM
   AS NATURAL GUARDIAN.

   ALL ARE R/A No. 67
   HEGGADAHALLI
   DODDABALLAPURA TQ,
   BENGALURU RURAL
   BENGALURU- 561 205.

…APPELLANTS

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. SRI DEVARAJU H V
   S/O VENKATARAMANAPPA
   MAJOR, R/A KOIRA, HOSUR (V)
   DEVANAHALLI TQ,
   BANGALORE RURAL - 562 110.

   RC OWNER OF TATA NEXON CAR
   BEARING No.KA-43-N-3664.

2. THE REGIONAL MANAGER
   THE LIBERTY GENERAL INSURANCE CO. LTD.,
   No. 21/15, THE LAND MARK, 4TH FLOOR
   NEAR TRINITY METRO STATION, M.G. ROAD,
   BANGALORE - 560 001.
   POLICY No.20115002072200031900000
   DATED 17.03.2023 TO 16.03.2026

…RESPONDENTS

(BY SRI RAVI S SAMPRATHI, ADVOCATE FOR R2
V/O DTD. 14.07.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:09/03/2026 PASSED IN MVC No.1325/2024 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL , COURT OF SMALL CAUSES , BENGALURU., AWARDING 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

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 09.03.2026 passed in MVC No.1325/2024 by VII Additional Judge, Court of Small Causes and MACT-3, Bengaluru.

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

3. The appellants made a claim petition praying to award compensation for the death of Lakshmana in a road traffic accident occurred on 01.01.2024 contending that the accident occurred due to rash and negligent driving of the driver of Tata Nexon Car bearing registration No.KA-43/N-3664. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the

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compensation and awarded compensation under various heads as under:

Sl. No.	Head of Compensation	Amount in Rs.
1.	Loss of Dependency (After deducting 1/3rd of the income towards personal and living expenses)	21,45,000-00
2.	Loss of spousal consortium (For petitioner No.1)	48,400-00
3.	Loss of parental consortium (For petitioners No.2 and 3)	80,000-00
4.	Loss of estate	18,150-00
5.	Towards transportation of deadbody and funeral expenses	18,150-00
	Total	**23,09,700-00**

4. The Tribunal also awarded interest at the rate of 6% per annum 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 appellant and learned counsel for respondent No.2 –insurer.

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6. The accident occurred on 01.01.2024 and as on the date of accident, the deceased was aged 47 years. Considering the said age of the deceased, the Tribunal has rightly applied multiplier '13'. The notional income fixed for the year 2024 is Rs.17,000/- per month and the said income is to be taken as against Rs.16,500/- as taken by the Tribunal. The Tribunal has rightly added 25% towards future prospects, deducted 1/3rd towards personal expenses of the deceased. In view of the same, loss of dependency is calculated as under:

Rs.17,000/- + 25% = Rs.21,250/- x 12 = Rs.2,55,000/- less 1/3rd = Rs.1,70,000/- x 13 = Rs.22,10,000/-.

7. The Tribunal has rightly awarded spousal consortium to claimant No.1 in a sum of Rs.48,400/-. The Tribunal ought to have awarded the same loss of consortium of Rs.48,400/- to claimant Nos. 2 and 3 who are children of the deceased. Therefore, claimant Nos.2

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and 3 are also entitled to consortium in a sum of Rs.96,800/- (Rs.48,400/- x2). The Tribunal has rightly awarded the loss of estate and funeral expenses.

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

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	22,10,000/-
02.	Loss of consortium to claimant No.1	48,400/-
03.	Loss of consortium to claimant Nos.2 and 3	96,800/-
04.	Loss of estate	18,150/-
05.	Loss of funeral expenses	18,150/-
	Total	**23,91,500/-**

The claimants are entitled to total compensation of Rs.23,91,500/- as against Rs.23,09,700/- as awarded by the Tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.81,800/- with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

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9. In way of the above, the following

ORDER

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

ii) The appellants -claimants are entitled to enhanced compensation of Rs.81,800/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

iv) The entire enhanced compensation shall be kept in the name of claimant No.3 -minor in fixed deposit in Karnataka Bank, City Civil Court Branch, Bengaluru till he attains majority.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 27
CT:SM