HC-KAR
CNR: KAHC010552032026

NC: 2026:KHC:62120
MFA No. 5959 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5959 OF 2026

(MV-D)

BETWEEN:

1. SMT. PUSHPALATHA B R
   W/O LATE S DEVARAJU
   AGED ABOUT 46 YEARS.

2. KUM.KEERTHANA. D
   D/O LATE S DEVARAJU
   AGED ABOUT 20 YEARS

   RESIDING AT ADGUR VILLAGE
   AT POST, GUBBI TALUK
   TUMAKURU DISTRICT.

   NOW RESIDING AT:
   C/O B SHABHU
   KUVEMPUNAGARA
   TUMKURU TOWN.

...APPELLANTS

(BY SRI GURUDEVA PRASAD K T, ADVOCATE)

AND:

1. SRI DHANANJAYA K S
   S/O SWAMINATHA K.S
   AGED ABOUT 37 YEARS
   R/O: BOMMARASANAHALLI VILLAGE

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

KOTTA POST, SIRA TALUK
TUMKURU DISTRICT.

2. THE MANAGER,
M/S BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.,
No.105/A, 1ST FLOOR, CEARS PLAZA
136, RESIDENCY ROAD
BENGALURU-560 025.

…RESPONDENTS

(BY SRI P S JAGADISH, ADVOCATE FOR R2
V/O DTD. 28.08.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:11-01-2022 PASSED IN MVC No.212/2018 ON THE FILE OF THE III ADDL. DISTRICT JUDGE AND MACT, TUMAKURU 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:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 11.01.2022 passed in MVC No. 212/2018 by the III Additional District Judge and MACT, Tumakuru.

2. Appellants – claimants made a claim petition praying to award compensation for the death of S.

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Devaraju (husband of claimant No. 1 and father of claimant No. 2) in a road traffic accident that occurred on 18.11.2017 due to the rash and negligent driving by the driver of lorry bearing registration No. KA-44-1717. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1. Loss of dependency	Rs.25,24,392/-
2. Loss of consortium	Rs.40,000/-
3. Towards funeral expenses	Rs.15,000/-
4. Loss of estate	Rs.15,000/-
Total	**Rs.25,94,392/-**

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimants seeking enhancement of the compensation awarded, have filed the present appeal.

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4. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 2 – Insurer.

5. The accident occurred on 18.11.2017. The Tribunal has taken the age of the deceased as 46 years based on the date of birth mentioned in Ex.P.9 – Aadhar Card.

6. Learned counsel for appellant submits that in Ex.P.4 – Inquest Mahazar and Ex.P.5 – Postmortem report age of the deceased is mentioned as 44 years and the same is to be taken.

7. Learned counsel for respondent No.2 – Insurer would contend that age will be mentioned in the Aadhar card based on documents and therefore considering the same the Tribunal has rightly taken the age of the deceased as per his Aadhar card.

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8. Age of the deceased will be mentioned in the Postmortem report and Inquest Mahazar based on the Police documents without any proof of date of birth. In the Aadhar card age will be mentioned based on the documents. Therefore, the Tribunal has rightly taken the age of the deceased, based on Ex.P.9 – Aadhar card, as 46 years.

9. Learned counsel for appellant would contend that the deceased had agricultural lands as per Ex.P.12 – RTCs and therefore, his agricultural income is to be added to his salary income.

10. Said agricultural lands, even after the death of the deceased, will remain with the claimants who are the wife and daughter and they will get agricultural income. Since the deceased was working as a full time employee with Kirloskar Company he cannot contribute his service in getting agricultural income. Therefore, agricultural income cannot be added to the salary income of the deceased.

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11. Claimants are the wife and minor daughter of the deceased. The Tribunal has awarded consortium in a sum of Rs.40,000/-. Both the claimants are entitled to consortium in a sum of Rs.40,000/- each. Therefore, claimants are entitled to consortium in a sum of Rs.80,000/- (Rs.40,000 X 2) as against Rs.40,000/- awarded by the Tribunal.

12. The Tribunal has rightly awarded funeral expenses in a sum of Rs.15,000/- and loss of estate in a sum of Rs.15,000/-.

13. Considering the above aspects claimants are entitled to enhanced compensation of Rs.40,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimants are not entitled to interest for the delay period of 1531 days in filing the appeal as per the order dated 11.11.2026 passed on I.A. No. 1/2026. Respondent No. 2 – Insurer is liable to pay the said enhanced compensation with interest.

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14. In view of the above, the following;

O R D E R

a. Appeal is allowed in part.

b. Claimants are entitled to enhanced compensation of Rs.40,000/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c. Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

d. Claimants are not entitled to interest for the delay period of 1531 days in filing the appeal.

e. Appellants – claimants are entitled to release of enhanced compensation in the ratio of 50 : 50.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 28
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