HC-KAR

NC: 2026:KHC:59341
MFA No. 6281 of 2025

CNR: KAHC010553692025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6281 OF 2025

(MV-D)

BETWEEN:

1. SULTANA BEGUM
   W/O LATE HAIBUR RAHAMAN
   AGED ABOUT 31 YEARS

2. JAMINA BEGUAM
   D/O LATE ADBUL JALEEL
   AGED ABOUT 12 YEARS

3. KURSHI BEGUM
   D/O LATE HAIBUR RAHMAN
   AGED ABOUT 7 YEARS

   ALL ARE PRESENTLY RESIDING AT
   C/O A.U.GANAPATHY
   S/O LATE A.B.UTHAIAH
   KALOOR VILLAGE AND POST
   MADIKERI TALUK-571 201.

   (SINCE APPELLANT No.2 AND 3 ARE
   MINORS, THEY ARE REPRESENTED BY THEIR
   NATURAL GUARDIAN MOTHER / 1ST APPELLANT
   SULTANA BEGUAM AS NEXTG FRIEND).

...APPELLANTS

(BY SMT. SUMA K, ADVOCATE)

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AND:

1. MANJUNATHA
S/O LATE CHIKKASHETTY
AGED ABOUT 43 YEARS
"D" GROUP EMPLOYEE, GOVT. HOSPITA
WORKING AT GOVERNMENT HOSPITAL
VIRAJPET TOWN
KODAGU DISTRICT-571 218.

2. THE MANAGER
TATA AIG GENERAL INSURANCE CO. LTD.,
1ST FLOOR, SUNNY CENTER, No.374
NEW KALIDASA ROAD
VIJAYANAGAR 1ST STAGE
MYSURU-570 017.

…RESPONDENTS

(BY SRI S V HEGDE MULKHAND, 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:20.03.2023 PASSED IN MVC No.80/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER, MACT, MADIKERI, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellants/claimants seeking enhancement of compensation awarded in judgment and award dated 20.03.2023 passed in MVC

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No.80/2021 by the Senior Civil Judge and Member, MACT, Madikeri.

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

3. The appellants/claimants made a claim petition praying to award compensation for the death of Haibur Rahman @ Haibur Ali @ Haibur Islam in a road traffic accident occurred on 23.06.2021 contending that the accident occurred due to rash and negligent riding of the rider of TVS Wego Scooter bearing Regn.No.KA-12-U-1259. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	20,40,000/-
02.	Loss of consortium	1,00,000/-
03.	Funeral expenses	15,000/-

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04.	Loss of estate	15,000/-
05.	Transportation charges	15,000/-
	Total	**21,85,000/-**

4. The Tribunal also awarded interest @ 6% p.a. 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 appellants and learned counsel for respondent No.2/insurer.

6. Learned counsel for the appellants would contend that the Tribunal has rightly awarded loss of dependency taking notional income of Rs.15,000/- p.m., deducted 1/3rd towards personal expenses of the deceased and applied multiplier '17', but has not added 40% towards future prospects. She further submits that claimants are wife and two minor children of deceased and consortium awarded is on lower side and the Tribunal has not added 10% escalation on conventional heads.

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7. Learned counsel for respondent No.2/insurer would contend that the compensation awarded by the Tribunal is just and proper and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment and award.

9. The accident occurred on 23.06.2021 and as on the date of accident, the deceased was aged 29 years. The Tribunal has rightly taken notional income at Rs.15,000/- p.m. and rightly applied multiplier '17'. The Tribunal has also rightly deducted 1/3rd towards personal expenses of the deceased. Since the deceased was aged 29 years, the Tribunal ought to have added 40% towards future prospects. Therefore, 40% is to be added to the amount awarded by the Tribunal in a sum of Rs.20,40,000/- which comes to Rs.28,56,000/-. The claimants are wife and two children of deceased. The Tribunal has only awarded consortium of Rs.1,00,000/-.

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The claimants are entitled to consortium in a sum of Rs.40,000/- each with 10% escalation. Therefore, claimants are entitled to Rs.1,32,000/- (Rs.44,000 x 3).

10. Even though the Tribunal has awarded Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate, but has not added 10% escalation on those heads. Therefore, the claimants are entitled to loss of estate in a sum of Rs.16,500/- and funeral expenses of Rs.16,500/-. As the said funeral expenses include transportation of dead body, the claimants are not entitled to compensation towards transportation charges awarded by Tribunal in a sum of Rs.15,000/-.

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

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Loss of dependency	28,56,000/-
02.	Loss of consortium	1,32,000/-
03.	Funeral expenses and transportation charges	16,500/-
04.	Loss of estate	16,500/-
	Total	**30,21,000/-**

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12. Considering the above aspects, the claimants are entitled to total compensation of Rs.30,21,000/- as against Rs.21,85,000/- awarded by the Tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.8,36,000/- with interest @ 6% p.a. from the date of petition till realization. The claimants are not entitled to interest for the delay period of 791 days in filing the appeal as per order dated 06.10.2026 passed on I.A.1/2025. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:

ORDER

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

ii) The appellants/claimants are entitled to enhanced compensation of Rs.8,36,000/- with interest @ 6% p.a. from the date of petition till realization.

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

iv) The claimants are entitled to compensation in the ratio of 40:10:50.

v) The share of compensation of claimant Nos.2 and 3/minors shall be kept in fixed deposit with Nationalised/Scheduled Bank till they attain majority.

vi) Out of the share of claimant No.1, 50% shall be released and 50% shall be kept in her name with Nationalised/Scheduled Bank for a period of three years.

Learned counsel for respondent No.2 is permitted to file vakalath within two weeks.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 65
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