HC-KAR

NC: 2026:KHC:60892
MFA No. 6679 of 2024

CNR: KAHC010577432024

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.6679 OF 2024(MV-D)

BETWEEN:

1. SRI. KARIYANNA,
   AGED 55 YEARS,
   SON OF RANGANATHAPPA,

2. SMT. NAGARATHNAMMA,
   AGED 41 YEARS,
   WIFE OF KARIYANNA,

3. KUMARI RAMYA K,
   AGED 18 YEARS,
   DAUGHTER OF KARIYANNA,
   ALL ARE RESIDING AT MELEKOTE,
   TAVAREKERE POST,
   GOWDAGERE HOBLI, SIRA TALUK,
   TAVAREKERE,
   TUMAKURU - 572 139.

...APPELLANTS

(BY SRI ABHISHEK LAL, ADVOCATE FOR
SRI JAGADISH BALIGA N., ADVOCATE)

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AND:

1. SRI. NAGESH,
   AGED ABOUT 38 YEARS,
   SON OF KRISHNAPPA,
   RESIDING AT 14TH WARD,
   MAJJIGEYAVARA BEEDI,
   DEVANAHALLI,
   BENGALURU RURAL DISTRICT,
   BENGALURU - 562 110.

2. THE NATIONAL INSURANCE
   COMPANY LIMITED,
   NO.144, 2ND FLOOR,
   SHUBARAM COMPLEX, M G ROAD,
   BENGALURU - 560 001.
   REPRESENTED BY ITS
   BRANCH MANAGER.

3. SRI. DOMMETII VISWANADH,
   AGED ABOUT 55 YEARS,
   SON OF SYAM PRAKASH DOMMETTI,
   NO.204, V BLOCK,
   GREEN PLAN APARTMENT,
   BALAJI LAYOUT, CHOKKANAHALLI,
   BENGALURU - 560 064.

4. THE FUTURE GENERAL INDIA
   INSURANCE COMPANY LIMITED,
   NO.573, 2ND FLOOR, 3RD MAIN,
   2ND BLOCK, R T NAGAR,
   BENGALURU - 560 032.
   REPRESENTED BY ITS
   BRANCH MANAGER.
   REPRESENTED BY ITS

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BRANCH MANAGER.

…RESPONDENTS

(BY SRI H.C. BETSUR, ADVOCATE FOR R2;
SRI B.C. SHIVANNEGOWDA, ADVOCATE FOR R4;
NOTICE TO R1 & R3 IS DISPENSED WITH VIDE ORDER DATED 16.10.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.07.2023 PASSED IN MVC NO.969/2019 ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSES JUDGE AND MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU (SCCH-23), 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 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 quantum of compensation awarded in the Judgment and award dated

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20.07.2023 in MVC No.969/2019 on the file XXI Addl. Small Cause Judge and Member Motor Accident Claims Tribunal, Bengaluru (SCCH-23) (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 on 19.12.2018 at 1:30 pm, Manjunatha K. was sitting on the park platform near HMT layout, park road, 2nd cross junction, Bengaluru city; at that time, a Maruti Swift Dzire car bearing registration No.KA-53/ N-4730 (in short, 'the offending vehicle') was driven by its driver rashly and negligently and dashed to a Bolero vehicle bearing registration No.KA-02/ AG-3574 as a result of which, Bolero vehicle dashed against Manjunatha K and he sustained grievous injuries. Immediately he was shifted to Raghavendra People Tree Hospital. However, he succumbed to those injuries on the same day in the

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hospital. The claimants are parents and younger sister of the deceased. The age of the deceased was 18 years as on the date of the accident. Hence, the claimants have filed the claim petition seeking compensation.

4. Respondents No.1 and 2-the owner and the insurance Company of the offending vehicle have filed their written statement and respondents No.3 and 4-the owner and insurance Company of the Bolero vehicle have filed their separate written statement. All the respondents have filed their written statement separately denying the accident and involvement of their vehicle.

5. After framing issues, recording evidence and hearing arguments, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver offending Swift Dzire car and dismissed the claim petition against the owner and insurance Company of Bolero vehicle and further held that

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the claimants are entitle for total compensation of ₹16,22,000/- under the following heads:

1	Towards loss of dependency	₹15,12,000/-
2	Towards loss of filial consortium to the petitioner No.1 and 2 (₹40,000/- each)	₹80,000/-
3	Towards loss to the estate	₹15,000/-
4	Towards transportation of dead body funeral and obsequies ceremony expenses	₹15,000/-
	Total	₹16,22,000/-

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 appellant Sri Abhishek would submit that the date of accident is 19.12.2018. The age of deceased is 18 years. He left

behind his parents and younger sister. Thus, as on the date of accident, the notional income of the deceased shall be taken at ₹12,500/-, but the Tribunal has taken it only at ₹10,000/-. Furthermore, compensation is not awarded to the claimant No.3 under the head 'loss of consortium' and escalation charges are not awarded under the conventional heads. Hence, prays for allowing the appeal.

9. The learned counsel for respondent No.2 Sri H.C. Betsur would submit that the income of the deceased taken at ₹10,000/- p.m. by the Tribunal is just and reasonable because the claimants have stated in the claim petition and in the evidence that the income of the deceased was ₹10,000/- p.m. Hence, the claimants are not entitled for enhancement as prayed in the appeal memo. As far as the compensation under conventional heads is concerned, the compensation awarded by the Tribunal is just and reasonable and hence prayed for dismissal of the appeal.

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

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

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

REASONS

12. The facts established before the Tribunal are that the deceased Manjunatha sustained fatal injuries in the road traffic accident involving the offending car and Bolero vehicle; the claimants are parents and younger sister of the deceased. The deceased was aged about 18 years at the time of accident. As per the averments in the claim petition and evidence of PW.1, the deceased was earning ₹10,000/- per month. Hence, even though as per the chart prepared by Karnataka State Legal Services Authority, the notional income is ₹12,500/-; this Court

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opines that the income of ₹10,000/- taken by the Tribunal is just and reasonable and it requires no interference. Hence, the compensation awarded to the claimants under the head 'loss of dependency' does not require interference.

13. As far as conventional heads are concerned, the Tribunal has not awarded the escalation charges as per the guidelines given by the Hon'ble Apex Court in ***National Insurance Company Limited vs. Pranay Sethi and others***, reported in ***(2017) 16 Supreme Court Cases 680***. Hence, the claimants are entitled for 10% + 10% towards escalation charges on the amount awarded under the conventional heads.

14. By placing reliance on the judgment of Hon'ble Supreme Court in the case of ***Magma General Insurance Co. Limited v. Nanu Ram & Others,*** reported in ***2018 ACJ 2782,*** this Court opines that the

claimant No.3 being the minor younger sister of the deceased is also entitled for compensation towards 'loss of consortium' at ₹40,000/- + 10% + 10% escalation charges. Thus, the claimants are entitled for ₹48,400/- x 3 = ₹1,45,200/- towards 'loss of consortium'. As far as 'loss of estate' and 'transportation of dead body and funeral expenses' is concerned the claimants are entitled for `15,000/- + 10% + 10% = 18,150/- under each head.

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

1	Towards loss of dependency	₹15,12,000/-
2	Towards loss of consortium	₹1,45,200/-
3	Towards loss of estate	₹18,150/-
4	Towards transportation of dead body and funeral expenses	₹18,150/-
	Total	₹16,93,500/-

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16. 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 20.07.2023 passed in MVC No.969/2019 on the file XXI Addl. Small Cause Judge and Member Motor Accident Claims Tribunal, Bengaluru (SCCH-23) is modified holding that the claimants are entitled for total compensation of ₹16,93,500/- as against ₹16,22,000/- awarded by the Tribunal.

c. The enhanced compensation shall carry interest at 6% per annum from the date of petition till realization. However, the claimants are not entitled for interest for the delayed period of 327 days.

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d. The respondent No.2 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.: 14