CNR: KAHC010583252025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6600 OF 2025

(MV-D)

BETWEEN:

1. SMT. BINDRAVATHI VISHWAKARAMA
   W/O LATE DURGESHA VISHWAKARMA
   AGED ABOUT 51 YEARS.

2. PAYAL D
   S/O LATE DURGESH
   AGED ABOUT 26 YEARS.

3. ANUP KUMAR
   S/O LATE DURGESH
   AGED ABOUT 24 YEARS.

4. SANJANA D
   D/O LATE DURGESH
   AGED ABOUT 20 YEARS

5. POOJA
   D/O DURGESH @ DURGESHA
   VISHWAKARMA @ DURGESH VISHWAKARMA
   AGED ABOUT 28 YEARS
   ALL ARE R/AT No.159
   3RD CROSS, KOTHANUR
   J P NAGAR, 8TH PHASE
   BENGALURU-560 076.

...APPELLANTS

(BY SRI. P MAHADEVASWAMY, ADVOCATE)

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. DIRECTOR, KGID INSURANCE
   17TH FLOOR, V.V.TOWER
   AMBEDKAR VEEDI
   BENGALURU-560 001.

2. SUPERINTENDENT OF POLICE
   DISTRICT POLICE OFFICE
   MILLERS ROAD
   BENGALURU-560 052.

…RESPONDENTS

(BY SRI K RAJAYOGA, HCGP FOR R1
V/O DTD. 05.10.2026, NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:02.04.2025 PASSED IN MVC No.3926/2024. ON THE FILE OF THE XIII ADDITIONAL SMALL CAUSES JUDGE, ACJM, COURT OF SMALL CAUSES AND MEMBER, MACT-15, BENGALURU CITY (SCCH-15), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING 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 02.04.2025 passed in MVC No.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

3926/2024 by the XIII Additional Judge, Court of Small Causes and Member, MACT-15, Bengaluru, (SCCH-15).

2. Appellants – claimants made a claim petition praying to award compensation for the death of Durgesha (husband of claimant No. 1 and father of claimant Nos. 2 to 5) in a road traffic accident that occurred on 23.04.2024 due to the rash and negligent driving by the driver of Police Jeep bearing registration No. KA-04-G-0916. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1.	Loss of Consortium(48,400x5)	Rs.2,42,000/-
2.	Loss of Love and Affection	Rs.50,000/-
3.	Loss of Estate	Rs.18,150/-
4.	Funeral Expenses	Rs.18,150/-
5.	Expenses of transportation of dead body	Rs.5,000/-

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

6.	Loss of Dependency	Rs.17.96.784/-
7.	Medical expenses	Rs.31,400/-
	Total	**Rs.21,61,484/-**

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. 1 – Insurer to deposit the said award amount with interest. Claimants seeking enhancement of the compensation awarded, have filed the present appeal.

4. Heard learned counsel for appellants – claimants and learned counsel for respondent No. 1 – Insurer.

5. The accident occurred on 23.04.2024 and as on the date of accident the deceased was aged 54 years. Considering the said age of the deceased the Tribunal has rightly applied multiplier `11' and considering that the claimants are 5 in number, the Tribunal has rightly detected 1/4th towards personal expenses of the deceased

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

and rightly added 10% towards future prospects. 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/- taken by the Tribunal. In view of the same loss of dependency is calculated as under:

17,000 + 10% = Rs.18,700/-

18,700 – ¼ = Rs.14,025/-

14,025 X 12 X 11 = Rs.18,51,300/-

6. Claimants are not seeking any enhancement under other heads. Considering the said aspect the claimants are entitled to enhanced compensation under the head loss of dependency in a sum of Rs.54,516/- (Rs.18,51,300 – Rs.17,96,784) with interest at the rate of 6% per annum from the date of petition till the date of realization. Respondent No. 1 - Insurer is liable to pay the said enhanced compensation with interest.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

7. In view of the above, the following;

O R D E R

a) Appeal is allowed in part.

b) Appellants – claimants are entitled to enhanced compensation of Rs.54,516/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Respondent No. 1 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

d) Claimant No. 1 is alone entitled to release of entire enhanced compensation amount.

Digitally Signed By:
SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 51
Ct.sm