HC-KAR
CNR: KAHC010592022026

NC: 2026:KHC:63628
MFA No. 6295 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6295 OF 2026

(MV-D)

BETWEEN:

1. SRI MAHENDRA @ MACHINDRA
   1. SRI. MAHENDRA @MACHINDRA
   S/O BHIMANNA
   NOW AGED ABOUT 57 YEARS.

2. SMT. SUREKAHA
   W/O MAHENDRA
   @MACHINDRA
   NOW AGED ABOUT 50 YEARS

   BOTH ARE RESIDING AT
   No.2-338/3, BETBALKUNDA
   BASAVAKALYNA
   BIDAR - 585 327.

...APPELLANTS

(BY SRI. B CHANDRASHEKHARAIAH, ADVOCATE)

AND:

1. SRI BHUPENDRA
   S/O S. H. KARAMBIR
   MAJOR (AGE OF R-1 NOT KNOWN
   TO APPELLANTS)
   MUNDHAL KALYAN

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BHIWANI
HARYANA -127 021.

2. UNITED INDIA INSURANCE COMPANY LTD.,
REGIONAL OFFICE
5TH AND 6TH FLOOR
KRISHI BHAVAN
HUDSON CIRCLE
OPP. BBMP HEAD OFFICE
NRUPATHUNGA ROAD
BENGALURU-560 001.

…RESPONDENTS

(BY SRI C SHANKAR REDDY, ADVOCATE FOR R2
V/O DTD. 07.09.2026
NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:04-01-2025 PASSED IN MVC No.6560/2023 ON THE FILE OF THE XXI ADDITIONAL SCJ AND ACJM, MEMBER, MACT, BENGALURU 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 appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 04.01.2025 passed in MVC No.6560/2023 by

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the XXI Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-23).

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 appellant made a claim petition praying to award compensation for the death of Ganesh in a road traffic accident occurred on 10.08.2023 contending that the accident occurred due to rash and negligent driving of the driver of container lorry bearing registration No.HR-56/b-5454. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Compensation Heads	Compensation amount
1. Towards loss of dependency	Rs.24,19,200/-
2. Towards loss of Consortium to the petitioners No.1 & 2	Rs.80,000/-
3. Towards loss to estate	Rs.18,150/-

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4. Towards transportation of dead body funeral and obsequies ceremony expenses	Rs.18,150/-
Total	**Rs.25,35,500/-**

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. Learned counsel for appellant has filed IA No.2/2026 under Order XLI Rule 27 and read with Section 151 CPC seeking production of 03 documents

6. Heard learned counsel for appellant and learned counsel for respondent No.2 -insurer.

7. The accident occurred on 10.08.2023 and as on the date of accident, the deceased was aged 23 years. Considering the said age of the deceased, the Tribunal has rightly applied multiplier '18'. Considering that the

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deceased was bachelor, the Tribunal has rightly deducted 50% towards his personal expenses. The Tribunal, on the ground that the income proof is not produced, has taken notional income of Rs.16,000/- per month. Claimants have produced Ex.P19, the marks card of the deceased to show that he has completed ITI -fitter course. Now appellants have produced copy of marks card of Diploma in Fire and Safety Engineering and the Diploma Certificate issued by National Counsel for Professional Education Mission. The said two documents were not produced before the Tribunal. In the affidavit filed in support of IA No.2/2026, it is stated that, claimants did not produce these documents as they were misplaced. Considering the said aspect, the appellants made out case for production of additional documents sought under IA No.2/2026. Accordingly, IA No.2/2026 deserves to be allowed and it is allowed.

8. The documents produced along with the said application i.e., the Diploma Certificate clearly indicate

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that the deceased has completed Diploma in Fire and Safety Engineering during the year 2021-2022. The deceased has also completed his ITI -fitter, 02 years course. Considering these two qualifications, the income of the deceased is to be taken higher than the notional income. Therefore, the income of the deceased is taken at Rs.25,000/- per month. The Tribunal has rightly added 40% towards future prospects. In view of the same, the loss of dependency is calculated as under:

Rs.25,000/- + 40% = Rs.35,000/- less 50% = Rs.17,500/- x 12 x 18 = Rs.37,80,000/-.

9. Even though the Tribunal has awarded consortium to both the claimants in a sum of Rs.40,000/- each but has not added escalation at 20%. As per the decision of the Hon'ble Apex Court in the case of ***National Insurance Co. Ltd Vs Pranay Sethi and Ors***[1]***,*** escalation is to be added at 20% since the accident has

[1] In AIR 2017 SC 5157

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taken place after 06 years of the said decision. Therefore, claimants are entitled to consortium in a sum of Rs.96,000/- (Rs.48,000/- x 2). The Tribunal has rightly awarded funeral expenses and loss of estate.

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

Compensation Heads	**Compensation amount**
1. Towards loss of dependency	Rs.37,80,000/-
2. Towards loss of Consortium to the petitioners No.1 & 2	Rs.96,000/-
3. Towards loss to estate	Rs.18,150/-
4. Towards transportation of dead body funeral and obsequies ceremony expenses	Rs.18,150/-
Total	**Rs.39,12,300/-**

Claimants are entitled to total compensation of Rs.39,12,300/- as against Rs.25,35,500/- as awarded by the Tribunal with interest. Consequently, claimants are entitled to enhanced compensation of Rs.13,76,800/- with interest at the rate of 6% per annum from the date of petition till realization. Claimants are not entitled to interest for the delay period of 489 days in filing the

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appeal as per order dated 07.09.2026 passed on IA No.1/2026. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

11. In view of the above, the following

ORDER

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

ii) Appellants -claimants are entitled to enhanced compensation of Rs.13,76,800/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) The claimants are not entitled interest for the delay period of 489 days in filing the appeal.

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

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v) Out of the enhanced compensation, 50% shall be released to claimants and the remaining 50% shall be kept in their respective name in fixed deposit with Karnataka Bank, High Court Branch, Bangalore for a period of 05 years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 49
Ct.sm