HC-KAR

NC: 2026:KHC:60477
MFA No. 6319 of 2026

CNR: KAHC010596222026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 6319 OF 2026

(MV-D)

BETWEEN:

1. SMT. GIRIJA
   D/O. M.S.PANCHAKSHRAIAH
   W/O. LATE RAVIKUMAR.K.S
   AGED ABOUT 54 YEARS.

2. SMT. LAVANYA.K.R
   C/O. ARUNKUMARA.B.R
   D/O. LATE RAVIKUMAR.K.S
   GED ABOUT 30 YEARS.

3. DARSHAN ARADYA
   S/O. LATE RAVIKUMAR
   AGED ABOUT 27 YEARS

   ALL ARE RESIDING AT
   KEMPALINGANAPURA
   UGANAVADI, DEVANAHALLI TALUK
   BANGALORE RURAL
   BANGALORE- 562 110.

...APPELLANTS

(BY SRI. N R RANGEGOWDA, ADVOCATE)

AND:

1. ICICI LOMBARD GENERAL
   INSURANCE COMPANY LTD.,

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

REPRESENTED BY ITS MANAGER
NO. 121, 9TH FLOOR
THE ESTATE BUILDING
DICKENSON ROAD/M.G.ROAD,
BANGALORE.

2. SMT. NALINIMANJUNATHAREDDY R
C/O. B.V. MANJUNATHA REDDY
MAJOR IN AGE
CHINTAMANI TALUK, BOMMEPALLI
CHIKKABALLAPURA-563 123.

…RESPONDENTS

(BY SRI B PRADEEP, ADVOCATE FOR
SRI B C SHIVANNE GOWDA, ADVOCATE FOR R1
V/O DTD. 07.09.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:03-01-2026 PASSED IN MVC No.8/2025 ON THE FILE OF THEVII ADDITIONAL SCJ AND ACJM, MEMBER, MACT-3, 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

1. This appeal is filed by the claimants seeking enhancement of compensation awarded in the judgment and award dated 03.01.2026 passed in MVC No. 8/2025

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by the VII Additional Small Causes Judge and Member, MACT-3, Bengaluru.

2. Even though the matter is listed for `Admission' today, with the consent of the learned counsel appearing for the appellants and learned appearing for respondent No. 1 – Insurer it is taken up for disposal.

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

4. Appellants – claimants made a claim petition praying to award compensation for the death of Ravikumara K.S. (husband of claimant No. 1 and father of claimant Nos. 2 and 3) in a road traffic accident that occurred on 13.12.2024 due to the rash and negligent driving by the driver of XUV car bearing registration No. KA-50-MC-7749. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

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1	Loss of dependency (After deducting 1/3rd of the income towards personal and living expenses)	Rs.15,97,200.00
2	Loss of spousal consortium (For petitioner No.1)	Rs.48,400.00
3	Loss of parental consortium (For petitioner Nos.2 and 3)	Rs.80,000.00
4	Loss of estate	Rs.18,150.00
4	Towards transportation of dead body and funeral expenses	Rs.18,150.00
	Total	**Rs.17,61,900.00**

5. 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.

6. The accident occurred on 13.12.2024 and as on the date of accident the deceased was aged 53 years. Considering the said age of the deceased the Tribunal has rightly applied the multiplier `11'. Notional income fixed

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for the year 2024 is Rs.17,000/- per month and the said income is to be taken as against Rs.16,000/- per month taken by the Tribunal. The Tribunal has rightly added future prospects at 10% and deducted 1/3rd towards personal expense of the deceased.

7. In view of the above, loss of dependency is calculated as under:

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

18,700 X 12 = Rs.2,24,400/-

2,24,400 – 1/3rd = Rs.1,49,600/-

1,49,600 X 11 = Rs.16,45,600/-

8. The Tribunal has rightly awarded loss of spousal consortium to claimant No. 1 in a sum of Rs.48,400/-. Even though the Tribunal has awarded loss of consortium to claimant Nos. 2 and 3, but has not added escalation at 20%. Therefore claimant Nos. 2 and 3 are entitled to consortium in a sum of Rs.48,400/- each.

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9. The Tribunal has rightly awarded loss of estate in sum of Rs.18,150/- and funeral expenses and transportation of dead body in a sum of Rs.18,150/-.

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

1	Loss of dependency	Rs.16,45,600/-
2	Loss of consortium	Rs.1,45,200/-
3	Loss of estate	Rs.18,150/-
4	Funeral expenses and transportation of dead body	Rs.18,150/-
	Total	**Rs.18,27,100/-**

11. Considering the above aspects claimants are entitled to total compensation of Rs.18,27,100/- as against Rs.17,61,900/- awarded by the Tribunal. Consequently, claimants are entitled to enhanced compensation of Rs.65,200/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Respondent No. 1 – Insurer is liable to pay the said enhanced compensation with interest.

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12. 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.65,200/- 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. Entire enhanced compensation amount shall be released to appellant No. 1/claimant No. 1.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
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