HC-KAR

NC: 2026:KHC:59995
MFA No. 6560 of 2026

CNR: KAHC010614472026

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. 6560 OF 2026

(MV-D)

BETWEEN:

1. RAYANAGOUDA SHANKARAGOUDA HOSAGOUDAR
   S/O SHANKARAGOUDA HOSAGOUDAR
   AGED 52 YEARS.

2. SMT. SHARANAMMA RAYANAGOUDA HOSAGOUDAR
   W/O. RAYANAGOUDA HOSAGOUDAR
   AGED 47 YEARS.

   BOTH ARE R/AT PERMANENT
   ADDRESS HALLUR, HALLUR
   BAGALKOT-587 115.

...APPELLANTS

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. THE MANAGER
   ACKO GENERAL INS CO LTD.,
   No.9, 17TH A MAIN ROAD
   NEAR SUKHSAGAR RESTAURANT
   5TH BLOCK, KORAMANGALA
   BENGALURU-560 095.

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JUDGE, HIGH COURT OF KARNATAKA

POLICY No.DCTR00788427210/00
VALIDITY 12-02-2023 TO 11-02-2024.

2. MR. MD NAEEMUDDIN
S/O.MD NASEERUDDIN
MAJOR, R/AT E GROUND FLOOR
7TH A CROSS, LBS NAGAR
VIMANAPURA POST
BENGALURU-560 017.

…RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI PRADEEP, ADVOCATE FOR R1 (VK NOT FILED)
V/O DTD. 18.09.2026, NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:16.08.2025 PASSED IN MVC No.2053/2024 ON THE FILE OF THE II ADDITIONAL JUDGE ACJM, MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU, 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 MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellants/claimants seeking enhancement of compensation awarded in judgment and award dated 16.08.2025 passed in MVC

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No.2053/2024 by the II Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-13).

2. The appellants made a claim petition praying to award compensation for the death of Praveen Rayanagouda Hosagoudar in a road traffic accident occurred on 03.02.2024 contending that the accident occurred due to rash and negligent driving of the driver of car bearing Regn.No.KA-01-MG-4047. 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	23,56,200/-
02.	Loss of consortium	88,000/-
03.	Loss to estate	20,000/-
04.	Transportation of dead body, funeral and obsequies expenses	16,500/-
	Total	**24,80,700/-**

3. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.1/insurer to deposit the award amount with

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interest. The claimants seeking enhancement of compensation have filed the present appeal.

4. Heard learned counsel for the appellants and learned counsel for respondent No.1/insurer.

5. The accident occurred on 03.02.2024 and as on the date of accident, the claimant was aged 27 years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '17'.

6. The deceased had appeared for 4th semester of ITI "Fitter" of two years course and in that regard Ex.P14 - study certificate and Ex.P15, copy of marks card of all the four semesters are produced. Considering the said aspect, deceased had completed ITI course. Since the deceased has completed ITI course his income has to be taken higher than the notional income fixed for the year 2024. The notional income fixed for the year 2024 is Rs.17,000/- p.m. therefore the notional income of the deceased is taken at Rs.18,000/- p.m. The Tribunal has rightly added 40% future prospects and deducted 50% towards personal

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expenses of the deceased since he was bachelor. In view of the same, the loss of dependency is calculated as under:

Rs.18,000 + 40% = 25,200 - 1/2 = Rs.12,600/-

Rs.12,600 x 12 x 17 = 25,70,400/-

7. The Tribunal even though awarded compensation under conventional heads taking escalation at 10% but the Tribunal ought to have taken escalation at 20% since the accident occurred after six years of decision of the Hon'ble Apex Court in the case of **National Insurance Co. Ltd vs Pranay Sethi (AIR 2017 SC 5157).** Therefore, 20% escalation has to be added under conventional heads. The claimants being the parents of the deceased are entitled to consortium in a sum of Rs.96,000/- (Rs.48,000 x 2), Rs.18,000/- towards loss of consortium and Rs.18,000/- towards funeral expenses and transportation of dead body.

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

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Sl.No.	Heads	Amount in (Rs.)
01.	Loss of dependency	25,70,400/-
02.	Loss of consortium	96,000/-
03.	Loss of estate	18,000/-
04.	Funeral expenses and transportation of dead body	18,000/-
	Total	**27,02,400/-**

9. Considering the above aspects, the claimants are entitled to total compensation of Rs.27,02,400/- as against Rs.24,80,700/- awarded by the Tribunal with interest. Consequently, the claimants are entitled to enhanced compensation of Rs.2,21,700/- with interest @ 6% p.a. from the date of petition till realization. The claimants are not entitled to interest for the delay of 281 days in filing the appeal as per order dated 29.10.2026 passed on I.A.1/2026. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

10. In view of the above, the following:

ORDER

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

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ii) The appellants/claimants are entitled to enhanced compensation of Rs.2,21,700/- with interest @ 6% p.a. from the date of petition till realization.

iii) Respondent No.1/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.

iv) The appellants/claimants are not entitled to interest for the delay period of 281 days in filing the appeal.

v) The appellants/claimants are entitled to release of entire enhanced compensation in the ratio of 50:50.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

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