HC-KAR

NC: 2026:KHC:60502
MFA No. 6735 of 2026

CNR: KAHC010636732026

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. 6735 OF 2026

(MV-D)

BETWEEN:

1. SRI SRINIVAS N @ SRINIVAS
   S/O LATE. NAGESH
   AGED ABOUT 50 YEARS.

2. SMT. PAVITHRA
   W/O SRINIVASA N @ SRINIVAS
   AGED ABOUT 41 YEARS.

3. SRI GAGAN.S
   S/O SRINIVASA N @ SRINIVAS
   AGED ABOUT 22 YEARS.

4. SRI. MANOJ.S
   S/O SRINIVASA N @ SRINIVAS
   AGED ABOUT 21 YEARS.

   ALL ARE RESIDING AT WARD No.2
   VENKATAGIRIKOTE, CHINTAMANI TOWN,
   CHINTAMANI TALUK
   CHIKKABALLAPUR DISTRICT.

…APPELLANTS

(BY SRI. GURUDEVA PRASAD K T, ADVOCATE)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

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AND:

1. M/s CHOLOMANDALAM GEN. INS. CO. LTD.,
   BY ITS MANAGER
   MOTOR CLAIMS HUB, UNIT No.4
   9TH FLOOR, LEVEL-06
   GOLDEN HEIGHTS COMPLEX
   INDUSTRIAL SUBURUB, 4TH 'M' BLOCK
   BENGALURU-560 010.

2. MR. JAWAD PASHA
   S/O AHMED PASHA,
   AGED ABOUT 30 YEARS
   No.580, GHOUSE MANZIL
   BEHIND MUNESHWARA TEMPLE
   MAHALAKSHMI LAYOUT
   KOLAR-563 101.

3. MR. PRAPUL M
   S/O MUNIRAJU
   AGED ABOUT 30 YEARS
   No.02, 2ND CROSS, GANDHINAGAR
   KOLAR-563 101.

…RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R1
V/O DTD. 22.09.2026, NOTICE TO R2 AND R3 ARE
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:28.02.2026 PASSED IN MVC No. 8064/2024 ON THE FILE OF THE XV ADDITIONAL JUDGE, COURT OF SMALL CAUSES, AND MEMBER, MACT, MAYO HALL UNIT, BENGALURU, (SCCH-19), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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JUDGE, HIGH COURT OF KARNATAKA

THIS APPEAL, COMING ON FOR ORDERS 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 28.02.2026 passed in MVC No. 8064/2024 by the XV Additional Judge, Court of Small causes and Member, MACT, Bengaluru (SCCH-19).

2. Even though the matter is listed for `Admission' today, with the consent of the learned counsel appearing for the appellant 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 Abhishek

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(son of claimant Nos. 1 and 2 and brother of claimant Nos. 3 and 4) in a road traffic accident that occurred on 05.07.2024 due to the rash and negligent driving by the driver of car bearing registration No. KA-01-MF-4699. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

SL. No.	Under the Heads of	Amount
1.	Loss of Dependency	Rs.24,94,800/-
2.	Medical Expenses	Rs.18,710/-
3.	Towards Loss of Filial Consortium	Rs.1,60,000/-
4.	Towards Funeral and Obsequies Ceremonies	Rs.15,000/-
5.	Towards Loss of Estate	Rs.15,000/-
	Total	**Rs.27,03,510/-**

5. The Tribunal has also awarded interest at the rate of 6% p.a. from the date of petition till the date of realization and directed respondent No. 1 – Insurer to

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

6. Heard learned counsel for appellant and learned counsel for respondent No. 1 – Insurer.

7. The accident occurred on 05.07.2024 and as on the date of accident deceased was aged 22 years. Considering the said age, the Tribunal has rightly applied the multiplier `18'.

8. Even though the claimants had produced the salary certificate and other documents, the Tribunal has disbelieved the same and taken the notional income. Notional income fixed for the year 2024 is Rs.17,000/- and the said income is to be taken as against Rs.16,500/- taken by the Tribunal. The Tribunal has rightly added 40% towards future prospects and deducted 50% towards the personal expenses of the deceased.

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

17,000 + 40% = Rs.23,800/-

23,800 – 50% = Rs.11,900/-

11,900 X 12 X 18 = Rs.25,70,400/-

10. Even though the Tribunal has awarded compensation under conventional heads, has not added escalation. As the accident has taken place after 6 years of decision of the Hon'ble Apex Court in the case of ***National Insurance Company Vs Pranay Sethi and Others*** reported in ***AIR 2017 SC 5157,*** 20% escalation is to be added on conventional heads. Therefore, claimants are entitled to consortium in a sum of Rs.1,92,000/- (Rs.48,000 X 4), loss of estate in a sum of Rs.18,000/- and funeral expenses, transportation of dead body in a sum of Rs.18,000/-. The Tribunal has rightly awarded medical expenses of Rs.18,170/-.

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

1	Towards loss of dependency	Rs.25,70,400/-
2	Towards loss of consortium	Rs.1,92,000/-
3	Towards loss of estate	Rs.18,000/-
4	Towards funeral expenses and transportation of dead body	Rs.18,000/-
5	Towards Medical expenses	Rs.18,170/-
	Total	**Rs.28,16,570/-**

12. Considering the above aspects claimants are entitled to total compensation of Rs.28,16,570/- as against Rs.27,03,510/- awarded by the Tribunal. Consequently, claimants are entitled to enhanced compensation of Rs.1,13,060/- 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.

13. In view of the above, the following;

O R D E R

a. Appeal is allowed in part.

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b. Claimants are entitled to enhanced compensation of Rs.1,13,060/- 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 shall be released to appellant No. 2 – claimant No.2 – mother of the deceased.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 Sl No.: 63
Ct.sm