HC-KAR
NC: 2026:KHC:61468
MFA No. 6781 of 2026
CNR: KAHC010650342026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 6781 OF 2026 (MV-I)

BETWEEN:

1. SMT. RASHMI SHRI
   W/O LATE. NARESH KUMAR,
   AGED ABOUT 29 YEARS,

2. MASTER MANVIK
   S/O LATE. NARESH KUMAR,
   AGED ABOUT 03 YEARS,

3. SMT. GEETHA
   W/O MUNIRAJU
   AGED ABOUT 58 YEARS,

   ALL AR ERESIDING AT
   NO.14/14, KODIGEHALLI MAIN ROAD,
   MARUTHI NAGARA, KOTHIHOSAHALLI,
   BENGALURU - 560 092.

...APPELLANTS

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE)

AND:

1. M/S. UNITED INDIA INSURANCE CO. LTD.,
   BY ITS MANAGER,
   NO. 18, 6TH FLOOR, NEAR KRUSHI BHAVAN,
   HUDSON CIRCLE

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

BENGALURU - 560 001.

2. MR.SETTU.M
S/O MADHU,
AGED ABOUT 35 YEARS,
NO.2/221, PANNIKULAM,
KARIMAGNALAM T.K.
DHARMAPURI,
TAMILNADU - 635 202.

…RESPONDENTS

(BY SRI. H.C. BETSUR, ADVOCATE FOR R1;
VIDE ORDER DATED 05.11.2026, NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT. 01.04.2026 PASSED IN MVC NO.4753/2025 ON THE FILE OF THE XVII ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU SCCH-21 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:

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

CNR: KAHC010650342026

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimants seeking enhancement of compensation awarded in the Judgment and Award dated 01.04.2026 passed in MVC No.4753/2025 by the XVII Additional Judge, Court of Small Causes and Member MACT, Bengaluru (SCCH-21).

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for appellants and learned counsel for respondent No.1/insurer, the matter is taken up for disposal.

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of Naresh Kumar in a road traffic accident occurred on 12.05.2025 contending that the accident occurred due to rash and negligent driving by the driver of Lorry bearing registration No.TN-34-K-1258.

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4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of Dependency	Rs. 32,36,868/-
2.	Loss of consortium	Rs. 01,20,000/-
3.	Towards transportation of dead body and Funeral Expenses	Rs. 00,15,000/-
4.	Loss of Estate	Rs. 00,15,000/-
5.	Escalation of 20% on conventional heads	Rs. 00,30,000/-
	Total	**Rs. 34,16,868/-**

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.1/insurer to pay the compensation awarded with interest. The claimants have filed the present appeal seeking enhancement of compensation.

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

7. The accident occurred on 12.05.2025 and as on the date of accident, the deceased was aged twenty nine (29) years. Considering the said age of the deceased, the Tribunal has rightly applied multiplier '17' and rightly added future prospects at 40% and deducted 1/3rd towards personal expenses of the deceased.

8. The notional income fixed for the year 2025 is Rs.18,000/- per month and the same is to be taken as against Rs.17,000/- taken by the Tribunal. In view of the same, loss of dependency is calculated as under:

> Rs.18,000/- + 40% = Rs.25,200/- x 12 = Rs.3,02,400/- - 1/3rd = Rs.2,01,600/- x 17 = Rs.34,27,200/-.

9. The claimants are entitled to loss of dependency in a sum of Rs.34,27,200/- as against Rs.32,36,868/- awarded by the Tribunal.

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10. The claimants are not seeking any enhancement under other heads. Therefore, the claimants are entitled to enhanced compensation of Rs.1,90,332/- (Rs.34,27,200/- - Rs.32,36,868/-) with interest at the rate of 6% per annum from the date of petition till realization.

11. Respondent No.1/insurer is liable to pay the said enhanced compensation with interest.

12. In view of the above, the following:

ORDER

*i) Miscellaneous First Appeal is **allowed-in-part**.*

ii) The appellants/claimants are entitled to enhanced compensation of Rs.1,90,332/- with interest at the rate of 6% per annum from the date of petition till realisation.

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

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iv) The appellants/claimants are entitled to release of entire enhanced compensation with interest.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

SJK
List No.: 1 Sl No.: 15