HC-KAR
NC: 2026:KHC:61473
MFA No. 7002 of 2026
CNR: KAHC010664302026

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. 7002 OF 2026 (MV-D)

BETWEEN:

1. MASTER ANAND
   S/O. LATE SHANKARAPPA,
   AGED ABOUT 17 YEARS

2. KUM.PAVITHRA
   D/O. LATE SHANKARAPPA
   AGED ABOUT 19 YEARS

3. SMT. CHIKKAMMA
   W/O. LATE SHANKARAPPA
   AGED ABOUT 40 YEARS,

   SINCE APPELLANT NO.1 IS MINOR REPRESENTED
   BY NATURAL GUARDIAN MOTHER APPELLANT NO.3
   ALL ARE R/O 11TH CROSS, RIGHT SIDE,
   HASSAN ROAD, ARSIKERE TOWN - 573 103.

…APPELLANTS

(BY SRI. DAYANAND S. PATIL, ADVOCATE)

AND:

1. SRI GOUSE AHAMED
   S/O ABDUL RASHID
   R/O NO. 131, KELAGADE MASJID
   HASSAN ROAD, HARANAHALLI.

   (OWNER OF MARUTHI SUZUKI CAR BEARING

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

REG. NO.KA-53-P-7179)
CHASIS NO MA3FDEB1S00290786
ENGINE NO.D13A1555868

2. THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LTD
HASSAN DIVISION,
SHRI MANJUNATHESWARA COMPLEX,
BUS STAND ROAD, PB NO. 112,
HASSAN.

POLICY NO. 606013312310002167
DATED 13-10-2023 TO 12-10-2024

…RESPONDENTS

(BY SRI. ASHOK KUMAR V., ADVOCATE FOR R2;
VIDE ORDER DATED 24.09.2026, NOTICE TO R1 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 23.01.2026 PASSED IN MVC NO. 314/2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MACT, ARSIKERE, 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: KAHC010664302026

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 23.01.2026 passed in MVC No.314/2024 by the Senior Civil Judge and MACT, Arsikere.

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.2/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 Shankarappa in a road traffic accident occurred on 15.10.2023 contending that the accident occurred due to rash and negligent driving by the driver of car bearing registration No.KA-53-P-7179.

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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 and Loss of estate	Rs. 15,10,320/-
2.	Loss of consortium	Rs. 40,000/-
3.	Transportation charges and funeral expenses	Rs. 40,000/-
	Total	**Rs. 16,10,320/-**

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.2/insurer to pay the compensation awarded. The claimants have filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellants and learned counsel for respondent No.2/insurer.

7. The accident occurred on 15.10.2023 and as on the date of accident, the deceased was aged thirty eight

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(38) years. Considering the said age, the Tribunal has rightly applied multiplier '15'. The Tribunal has not added future prospects. Considering the said age of the deceased, future prospects are to be added at 40%. The Tribunal has rightly deducted 1/3rd towards personal expenses of the deceased.

8. The notional income fixed by the Karnataka State Legal Services Authority for the year 2023 is Rs.16,250/- and the said income is to be taken as against Rs.12,586/- taken by the Tribunal. In view of the same, , loss of dependency is calculated as under:

> Rs.16,250/- + 40% = Rs.22,750/- x 12 = Rs.2,73,000/- - 1/3rd = Rs.1,82,000/- x 15 = Rs.27,30,000/-.

9. The claimants being wife and two children of the deceased are entitled to consortium in a sum of Rs.40,000/- each with 20% escalation as the accident occurred after six (06) years of the decision of Hon'ble Apex Court in the case of ***NATIONAL INSURANCE***

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COMPANY vs. PRANAY SETHI AND OTHERS reported in ***AIR 2017 SC 5157*****.** Therefore, the claimants are entitled to consortium in a sum of Rs.1,44,000/- (Rs.48,000/- x 3).

10. The claimants are entitled to funeral expenses and transportation of dead body in a sum of Rs.18,000/- as against Rs.30,000/- awarded towards funeral expenses and Rs.10,000/- awarded towards transportation of dead body.

11. The Tribunal has not awarded loss of estate. Therefore, the claimants are entitled to loss of estate in a sum of Rs.18,000/-.

12. Considering all the above aspects, the claimants are entitled to total compensation under various heads as under:

Sl. No.	**Particulars**	**Amount**
1.	Loss of dependency	Rs. 27,30,000/-
2.	Loss of consortium	Rs. 1,44,000/-
3.	Funeral expenses and	Rs. 18,000/-

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	transportation of dead body		
4.	Loss of estate	Rs.	18,000/-
	Total	**Rs.**	**29,10,000/-**

13. The claimants are entitled to total compensation of Rs.29,10,000/- as against Rs.16,10,320/- awarded by the Tribunal with interest.

14. Consequently, the claimants are entitled to enhanced compensation of Rs.12,99,680/- with interest at the rate of 6% per annum from the date of petition till realisation.

15. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

16. In view of the above, the following:

ORDER

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

ii) The appellants/claimants are entitled to the enhanced compensation of Rs.12,99,680/- with interest at the rate of 6% per annum from the date of petition till realisation.

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iii) The claimants are entitled to share in the enhanced compensation in the ratio of 30:30:40.

iv) The share of appellant No.1/claimant No.1 in the enhanced compensation shall be kept in his name in Fixed Deposit in any Nationalised/Scheduled Bank till he attains majority.

v) Out of share of appellant Nos.2 and 3/claimant Nos.2 and 3, 50% shall be released to them and 50% shall be kept in Fixed Deposit in their respective names in any Nationalised/Scheduled Bank for a period of five (5) years.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

SJK
List No.: 1 Sl No.: 32