HC-KAR
NC: 2026:KHC:61135
MFA No. 7001 of 2026
CNR: KAHC010664532026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7001 OF 2026

(MV-D)

BETWEEN:

1. SMT. ARATHI
   W/O LATE G.K.SHANTHARAJU
   NOW AGD ABOUT 39 YEARS.

2. MASTER CHANDRAGOWDA.G.S
   S/O LATE G.K. SHANTHARAJU
   NOW AGED ABOUT 17 YEARS.

3. KUM. YOGESHWARI.G.S
   D/O LATE K.G.SHANTHARAJU
   NOW AGED ABOUT 15 YEARS.

   APPELLANT No. 2 AND 3 MINORS
   REPRESENTED BY THEIR NATURAL
   GUARDIAN MOTHER i.e. 1ST APPELLANT
   SMT. AARTHI

4. SRI KEMPEGOWDA
   S/O LATE KALASHANAIAH
   NOW AGED ABOUT 73 YEARS.

5. SMT. JAYAMMA
   W/O KEMPEGOWDA
   NOW AGED ABOUT 70 YEARS.

   APPELLANT No.1 TO 5 ARE ALL

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

RESIDING AT
GARAGADAKUPPE VILLAGE
KANAKUPPE POST
HEBBUR HOBLI
TUMKUR TALUK & DISTRICT-572 120.

…APPELLANTS

(BY SRI. B CHANDRASHEKHARAIAH, ADVOCATE)

AND:

1. SRI. GOPI
   S/O MARIYAPPA
   MAJOR
   (AGE OF R-1 NOT KNOWN TO APPELLANTS)
   RESIDENT OF:
   HOUSING BORD COLONY
   K.H.B. COLONY
   KUNIGAL TALUK
   TUMKUR DISTRICT - 572 130.

2. SHRIRAM GENERAL INSURANCE COMPANY LTD.,
   No.3/5, 3RD FLOOR, SC ARCADE
   BELEKAHALLI MAIN ROAD
   OFFICE AT BANNERUGHATTA ROAD
   IIM-B POST
   BENGALURU-560 076.
   BY ITS MANAGER

…RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 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:6.11.2024 PASSED IN MVC No.4152/2023 ON THE FILE OF THE VIII ADDITIONAL JUDGE AND COURT OF SMALL CAUSES AND ACJM, MACT, BENGALURU (SCCH-5), PARTLY ALLOWING THE

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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 appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 06.11.2024 passed in MVC No.4152/2023 by VIII Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-5).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellants and learned counsel for respondent No.2 –insurer.

3. The appellants made a claim petition praying to award compensation for the death of G.K Shanthraju in a road traffic accident occurred on 15.01.2023 contending that the accident occurred due to rash and negligent

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driving of the driver of mini lorry bearing registration No.KA-56-0962. 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.	Head of Compensation	Amount/Rs.
1.	Loss of dependency	25,73,460-00
2.	Loss of consortium(Petitioner No.1)	20,000-00
3.	Loss of parental consortium (Rs.20,000/- each to Petitioner No.2 and 3)	40,000-00
4.	Loss of filial consortium (Rs.20,000/- each to Petitioner No.4 and 5)	40,000-00
5.	Loss of Estate	15,000-00
6.	Funeral Expenses	15,000-00
7.	Medical Expenses	3,500-00
	Total	**27,06,960-00**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

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5. Heard learned counsel for appellants and learned counsel for respondent No.2 –insurer.

6. The accident occurred on 15.01.2023. The notional income fixed for the said year is Rs.16,250/- by Karnataka State Legal Services Authority and the said income is to be taken as against Rs.15,000/- as taken by the Tribunal. The Tribunal has taken age of the deceased as 40 years on the basis of the year of birth mentioned in Ex.P5 -Aadhar card as 1983. Ex.P6 is the PAN card of the deceased wherein his date of birth mentioned is 01.04.1983. Considering, the said date of birth the claimant has not completed 40 years. Therefore, the age of the deceased is to be taken as 39 years. The multiplier applicable is '15' and future prospects are to be taken at 40% as against 25% as taken by the Tribunal. In view of the same, the loss of dependency is calculated as under:

Rs.16,250/- + 40% =Rs.22,750/- x 12= Rs.2,73,000/- 1/4th = Rs.2,04,750/- x15 = Rs.30,71,250/-.

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7. The claimants are wife, two minor children and two parents of the deceased. All the claimants are entitled to consortium with escalation at 20% in a sum of Rs.2,20,000/- (Rs.48,000/- x 5) as against Rs.1,00,000/- as awarded by the Tribunal. Even though the Tribunal has awarded the loss of estate in a sum of Rs.15,000/- and funeral expenses in a sum of Rs.15,000/- but has not added 20% escalation. Therefore, claimants are entitled to a sum of Rs.18,000/- towards loss of estate and Rs.18,000/- towards funeral expenses. The Tribunal has rightly awarded the medical expenses of Rs.3,500/-.

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

Sl.No.	Head of Compensation	Amount/Rs.
1.	Loss of dependency	30,71,250/-
2.	Loss of consortium	2,20,000/-
3.	Loss of Estate	18,000/-
4.	Funeral Expenses	18,000/-
5.	Medical Expenses	3,500/-
	Total	**33,30,750/-**

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Claimants are entitled to total compensation of Rs.33,30,750/- as against Rs.27,06,960/- with interest. Consequently, claimants are entitled to enhanced compensation of Rs.6,23,790/- with interest at the rate of 6% per annum from the date of petition till realization. Claimants are not entitled to interest for the delay period of 596 days in filing the appeal as per order dated 04.11.2026 passed on IA No.1/2026. Respondent No.2 - insurer is liable to pay the said enhanced compensation with interest.

9. In view of the above, the following

ORDER

i) The appeal is allowed in part.

ii) Appellants -claimants are entitled to enhanced compensation of Rs.6,23,790/- with interest at the rate of 6% per annum from the date of petition till realisation.

iii) Claimants are not entitled to interest for the delay period of 596 days in filing the appeal.

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iv) The claimants are entitled to share in the enhanced compensation in the ratio of 60:10:10:10:10.

v) The share of appellant Nos. 2 and 3/claimant Nos.2 and 3 -minors shall be kept in fixed deposit with the Karnataka Bank, City Civil Court Branch, Bangalore till they attain majority.

vi) Out of the share of claimant No.1, 50% shall be released and remaining 50% shall be kept in a fixed deposit with Karnataka Bank, City Civil Court Branch, Bengalore for a period of 03 years.

vii) Claimant Nos.4 and 5 are entitled to release of their share in entire enhanced compensation.

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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 29
Ct.sm