HC-KAR

NC: 2026:KHC:59505
MFA No. 7013 of 2026

CNR: KAHC010665192026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7013 OF 2026 (MV-D)

BETWEEN:

1. SMT.NETHRAVATHI,
   W/O.LATE PARAMESH GOWDA,
   AGED ABOUT 45 YEARS,

2. SRI.VITHESH P.,
   S/O. LATE PARAMESH GOWDA,
   AGED ABOUT 28 YEARS

   APPELLANT NOS.1 AND 2 ARE
   R/AT: CHANGEGOWDANAHATTI VILLAGE,
   MULURU POST, SARAGURU HOBLI,
   H.D.KOTE TALUK,
   MYSURU DISTRICT - 570 001.

3. SMT.MANASA P.,
   D/O. LATE PARAMESH GOWDA,
   AGED ABOUT 26 YEARS,

   APPELLANT NOS.1 AND 3 ARE
   PRESENT R/AT: ACHALU VILLAGE,
   KYLANCHA HOBLI,
   RAMANAGAR TALUK,
   RAMANAGRA DISTRICT - 562 159.

...APPELLANTS

(BY SRI. RAJU S., ADVOCATE)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. THE MANAGING DIRECTOR
KERALA STATE ROAD,
TRANSPORT CORPORATION,
TRANSPORT BHAVANA, FORT,
THIRUVANANTHAPURAM - 695023,
TRIVANDRUM - 695 023.

2. THE MANAGER,
ORIENTAL INSURANCE COMPANY LTD.,
4TH FLOOR, C.P. HUB,
LIYO COMPLEX,
BENGALURU - 560 025.

…RESPONDENTS

(BY SRI.K.NAGARAJAPPA, ADVOCATE FOR R2;
V/O DTD.25.09.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.05.2026 PASSED IN MVC NO.181/2023 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM AND ADDITIONAL MACT, RAMANAGARA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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 30.05.2026 passed in MVC No.181/2023

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by Principal Senior Civil Judge and CJM and Additional MACT, Ramanagara.

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

3. The appellants/claimants made a claim petition seeking for award of compensation for the death of Paramesh Gowda in a road traffic accident occurred on 29.04.2023 contending that the accident occurred due to rash and negligent driving by the driver of Bus bearing registration No.KA-15-A-1988.

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:

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Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 19,19,952/-
2.	Loss of estate	Rs. 16,500/-
3.	Funeral expenses	Rs. 16,500/-
4.	Transportation charges	Rs. 10,000/-
	Total	**Rs. 19,62,952/-**

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 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.

7. The accident occurred on 29.04.2023 and as on the date of accident the deceased was aged forty eight (48) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '13' and rightly added 25% towards future prospects. The Tribunal has taken the notional income of the deceased at Rs.16,000/- per month on the ground that no income proof is

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produced. Ex.P9 and P10 are two (02) RTCs' standing jointly in the name of the deceased and his three (03) brothers and mother and total extent of the land is six (06) acres. The said documents clearly indicate that the deceased was agriculturist and getting agricultural income. Since the deceased was agriculturist, his income is to be taken little higher than the notional income fixed for unskilled labours. The notional income fixed for unskilled labours for the year 2023 is Rs.16,250/-. Therefore, the notional income of the deceased is to be taken at Rs.17,000/- per month. In view of the above, loss of dependency is calculated as under:

> Rs.17,000/- X 12 = Rs.2,04,000/- - 1/3rd = Rs.1,36,000/- X 13 = Rs.17,68,000/- + 25% = Rs.22,10,000/-.

8. The claimants are wife and two children of the deceased and therefore they are entitled to consortium in a sum of Rs.40,000/- each. Since the accident has taken place after six (06) years of the decision of Hon'ble Apex

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Court in the case of ***NATIONAL INSURANCE COMPANY vs. PRANAY SETHI AND OTHERS*** reported in ***AIR 2017 SC 5157,*** escalation has to be added at 20% on conventional heads. Therefore the claimants are entitled to loss of consortium in a sum of Rs.1,44,000/- (Rs.48,000/- X 3).

9. The Tribunal has awarded loss of estate and funeral expenses by taking 10% escalation. The escalation is to be added at 20% and therefore the claimants are entitled to loss of estate in a sum of Rs.18,000/- and funeral expenses and transportation of dead body in a sum of Rs.18,000/-.

10. The claimants are not entitled to transportation charges separately as awarded by the Tribunal in a sum of Rs.10,000/-.

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

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Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 22,10,000/-
2.	Loss of estate	Rs. 18,000/-
3.	Funeral expenses	Rs. 18,000/-
4.	Loss of consortium	Rs. 1,44,000/-
	Total	**Rs. 23,90,000/-**

12. The claimants are entitled to total compensation of Rs.23,90,000/- as against Rs.19,62,952/- awarded by the Tribunal with interest.

13. Consequently, the claimants are entitled to enhanced compensation of Rs.4,27,048/- (Rs.23,90,000/- - Rs.19,62,952/-) with interest at the rate of 6% per annum from the date of petition till realisation.

14. Respondent No.2 is liable to pay the said enhanced compensation amount with interest.

15. In view of the above, the following:

ORDER

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

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ii) The appellants/claimants are entitled to enhanced compensation of Rs.4,27,048/- with interest at the rate of 6% per annum from the date of petition till realisation.

iii) Respondent No.2 shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.

iv) The appellants/claimants are entitled to release of entire enhanced compensation with interest in the ratio of 70:15:15.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 91