HC-KAR

NC: 2026:KHC:55518
MFA No. 7623 of 2025

CNR: KAHC010666842025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 7623 OF 2025
(MV-D)

BETWEEN:

1. SMT. SADHANA R.V.
   W/O. LATE ASHOKA,
   NOW AGED ABOUT 29 YEARS,

2. MAST. ABILASH REDDY H.A.
   S/O. LATE ASHOKA,
   NOW AGED ABOUT 8 YEARS,

3. MAST. ANKITH REDDY H.A.
   S/O. LATE ASHOKA,
   NOW AGED ABOUT 8 YEARS,

4. SMT. SUNANDAMMA
   W/O. LATE SUBBARAYAPPA,
   D/O. LATE THIPPAREDDY,
   NOW AGED ABOUT 55 YEARS,

   SINCE APEPLLANT NOS.2 AND 3 ARE MINORS
   REPRESENTED BY THEIR MOTHER/NATURAL
   GUARDIAN 1ST APPELLANT HEREIN.

   ALL ARE RESIDING AT:
   HOSAHUDYA (KOTHAHUDYA) VILLAGE,
   MARASANAPALLI POST, SRINIVASAPURA TALUK,
   KOLAR DISTRICT.

...APPELLANTS

(BY SRI. GOPALKRISHNA N., ADVOCATE FOR
SMT. SUSHMITHA G., ADVOCATE)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. SRI. SAHAYA THEEPAN S.
   S/O SALATE MARIAN,
   NOW AGED ABOUT 36 YEARS,
   RESIDING AT NO.L 12, LAKE VIEW APARTMENTS,
   KAMARAJAR SALAI, MATHUR MANALI,
   CHENNAI,
   TAMIL NADU - 600 068.

2. THE NEW INDIA ASSURANCE CO. LTD.,
   REGIONAL OFFICER, UNITY BUILDING ANNEXE,
   MISSION ROAD,
   BENGALURU - 560 027,
   REP. BY ITS MANAGER.

…RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2;
VIDE ORDER DATED 28.01.2026, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.11.2024 PASSED IN MVC NO.4699/2022 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE AND ACJM AND MEMBER, MACT, BENGALURU (SCCH-11), 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:

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JUDGE, HIGH COURT OF KARNATAKA

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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 21.11.2024 passed in MVC No.4699/2022 by I Additional Small Causes Judge and ACJM and Member, MACT, Bengaluru (SCCH-11).

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/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 Sri. Ashoka in a road traffic accident occurred on 23.06.2022 contending that the accident occurred due to rash and negligent driving by the driver of Container Lorry bearing registration No.TN-25-AS-5233.

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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.	Towards dependency and loss of future income	Rs. 40,73,280/-
2.	Towards consortium a. Spousal consortium b. Parental consortium c. Filial consortium	Rs. 48,400/- 96,800/- 48,400/-
3.	Towards loss of estate and funeral expenses	Rs. 36,300/-
	Total	**Rs. 43,03,180/-**

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.

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7. The accident occurred on 23.06.2022 and as on the date of accident the deceased was aged thirty five (35) years. Considering the said age of the deceased, the Tribunal has rightly applied multiplier '16'. The claimants are wife, two children and mother of the deceased. Considering that the dependents are four (04) in numbers, the Tribunal has rightly deducted 1/4th towards personal expenses of the deceased. The deceased died on 23.06.2022. Therefore, the salary/pay for the month of May, 2022 is to be taken. Ex.P15 contains pay slips of the year 2022. The deceased as per the said pay slip for the month of May, 2022 is having a gross pay of Rs.28,729/-. Out of the said gross pay, D.A. arrears of Rs.546/-, overtime of Rs.611/- and Rs.200/- towards professional tax are to be deducted. After deducting them, the net pay of the deceased is Rs.27,372/-. Therefore, the income of the deceased is taken at Rs.27,372/- per month. In view of the same, loss of dependency is calculated as under:

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Rs.27,372/- + 50% = Rs.41,058/- - 1/4th = Rs.30,793.50/- X 12 X 16 = Rs.59,12,352/-

8. The claimants are not seeking any enhancement of compensation awarded under other heads.

9. Considering the above aspects, the claimants are entitled to enhanced compensation under the head loss of dependency in a sum of Rs.18,39,072/- (Rs.59,12,352/- - Rs.40,73,280/-) with interest at the rate of 6% per annum from the date of petition till realisation.

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

11. The appellants/claimants are not entitled to interest for the delay period of 219 days in filing the appeal as per order dated 28.01.2026 passed on I.A.No.1/2025.

12. In view of the above, the following:

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ORDER

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

ii) *The appellant/claimant is entitled to enhanced compensation of Rs.18,39,072/- with interest at the rate of 6% per annum from the date of petition till realisation.*

iii) *The appellants/claimants are not entitled to interest for the delay period of 219 days in filing the appeal.*

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

v) *The appellants/claimants are entitled to release of their share in the enhanced compensation in the ratio of 40:20:20:20.*

vi) *The share of compensation of claimant Nos.2 and 3 (minors)/appellant Nos.2 and 3 shall be kept in Fixed Deposit in their name in Karnataka Bank, City Civil Court branch, Bengaluru, till they attains majority.*

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vii) The share of compensation of appellant Nos.1 and 4/claimant Nos.1 and 4 shall be released to them.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 2 Sl No.: 53