HC-KAR

NC: 2026:KHC:59388
MFA No. 8064 of 2024

CNR: KAHC010718352024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 8064 / 2024 (MV-I)

BETWEEN:

1. SMT NETRAVATHI
   W/O LATE PAPEGOWDA,
   AGED ABOUT 61 YEARS

2. MANJU K.N
   W/O LATE PAPEGOWDA,
   AGED ABOUT 36 YEARS

3. DHANANJAYA
   S/O LATE PAPEGOWDA,

   ALL ARE R/AT KATTEKYATHANAHALLI VILLAGE,
   HAKKIHEBBAL HOBLI,
   KRISHNARAJPET TALUKU,
   MANDYA DISTRICT-571426

…APPELLANTS

(BY SRI. SAKARAJA N C.,ADVOCATE)

AND:

1. VENU T S
   MAJOR, R/O NO.164, 5TH CROSS,
   VARMA LAYOUT, BHUVANESHWARI NAGAR,
   H.A.FARM, BENGALURU-560024.

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2. ICICI LOMBARD INSURANCE CO.LTD,
NO.204, MYTHRI ARCADE,
KANTHARAJA ARASU ROAD,
NEAR AXIS BANK, MYSURU-570001

…RESPONDENTS

(BY SRI.B.PRADEEP, ADVOCATE FOR R2;
V/O DTD: 08.06.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 28.03.2023 PASSED IN MVC NO. 360/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MEMBER, MACT, KRISHNARAJPET, 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 MRS. JUSTICE GEETHA K.B.

ORAL JUDGMENT

1. This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short, 'M.V. Act') by the appellants/claimants not satisfied with the compensation awarded in the judgment and award dated 28.03.2023 in M.V.C.No.360/2018 on the file of the Senior Civil Judge &

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JMFC & Member, MACT, Krishnarajpet (in short, 'the Tribunal').

2. The parties would be referred with their ranks, as they were before the Tribunal for the sake of convenience and clarity.

3. The case of the claimants before the Tribunal in nutshell is that the husband of claimant No.1, who is the father of claimant Nos. 2 and 3 was pedestrian on 28.01.2018 at 03:15 p.m. on Somanahalli-Kattekyathanahalli Road, near the land of one Subramanya and at that time, the rider of TVS Star City Motorcycle bearing Reg.No.KA-04/HP-7045 (offending vehicle) rode rashly and negligently and dashed against the deceased Papegowda and then while shifting to K.R.Hospital, Mysuru for higher treatment, he succumbed to those injuries. The deceased was doing agriculture and mason work. Respondent Nos. 1 and 2 are the owner and insurance Company of the offending vehicle. Hence, the claimants being the wife and major children of the

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deceased have claimed compensation under different heads.

4. Respondent Nos. 1 and 2 filed their objection statement denying the contention of the claimants. Respondent No.2 further took contention that the driver of the offending vehicle did not possess valid and effective driving licence. Hence, prayed for dismissal of the petition.

5. After framing issues, recording evidence and hearing arguments of both sides, the Tribunal came to the conclusion that the claimants are entitled for a total compensation of ₹11,55,000/- under following heads:

Sl Nos	Nature of Compensation	Amount
1	Loss of Dependency	₹9,90,00/-
2	Loss of Estate	₹16,500/-
3	Loss of consortium 44,000/- x each	₹1,32,000/-
4	Funeral expenses	₹16,500/-
	Total	**₹11,55,000/-**

6. Not satisfied with the same, the appellant/claimants are before this Court.

7. Heard arguments of the learned counsel for the appellants Sri Sakaraja N.C.

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8. The learned counsel for the appellant would submit that even though RTCs are produced to show that the deceased was an agriculturist having sufficient income, the Tribunal has taken only the notional income of the deceased which is incorrect. Further, only 10% was added towards future prospects but it should be 25%. Hence, prayed for enhancement of compensation.

9. The learned counsel for respondent No.2-Sri B. Pradeep would submit that the compensation awarded by the Tribunal is just and reasonable and requires no interference.

10. Having heard the arguments of both sides, verifying the appeal papers, the point that arises for consideration is:

> *"Whether the claimants are entitled for enhancement of compensation?"*

11. Finding of this Court is in '**Negative**' for the following:

REASONS

12. The facts established before the Tribunal are that on 28.01.2018, the husband of claimant No.1 as pedestrian and met with the road traffic accident that has taken place involving the offending vehicle and on the same day, while shifting him to the K.R.Hospital, Mysuru for higher treatment, he succumbed to the injuries. He left behind his wife and two major sons.

13. The age of the claimant No.1 was shown as 55 in the claim petition. Nothing is produced to say that the deceased was younger to his wife. Only based on PM Report and Inquest Report, his age was considered as 50 and thus, rightly the Tribunal has taken the future prospects at 10% and not 25%. Furthermore, except producing some RTCs, no document is produced to show the actual income of the deceased. The deceased left behind the agricultural properties to his wife and major sons, who are capable to look after the properties. Hence, the notional income of deceased taken at ₹12,500/- by the

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Tribunal is also proper. Hence, the amount awarded by the Tribunal under the head 'loss of dependency' requires no interference.

14. By considering the judgment of the Hon'ble Apex Court in ***National Insurance Company Ltd., v/s Pranay Sethi & Others***[1] the Tribunal has taken the loss of consortium at ₹40,000/- plus 10% escalation charges to each of the claimants and has awarded ₹15,000/- plus 10% escalation charges under the head 'loss of estate' and 'funeral expenses', and awarded the total compensation of ₹11,55,000/-. The said compensation amount awarded by the Tribunal is in accordance with the guidelines given by ***Pranay Sethi's*** case cited supra and ***Magma General Insurance Co Ltd Vs. Nanu Ram Alias Chuhru Ram & Ors***[2]***.*** Hence, the judgment and award passed by the Tribunal requires no interference.

[1] (2017) 16 SCC 680
[2] 2018 ACJ 2782

15. Accordingly, this Court passes the following:

ORDER

The appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 is ***dismissed***.

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(GEETHA K.B.)
JUDGE

SPV
List No.: 1 Sl No.: 32