HC-KAR

NC: 2026:KHC:61136
MFA No. 9559 of 2025

CNR: KAHC010826452025

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. 9559 OF 2025

(MV-D)

BETWEEN:

1. VADDE LAKSHMANNA
   S/O. SIDDAPPA
   AGED ABOUT 63 YEARS

2. NAGAMMA
   W/O. VADDE LAKSHMANNA
   AGED ABOUT 52 YEARS.

3. EERESH
   S/O. VADDE LAKSHMANNA
   AGED ABOUT 23 YEARS.

4. LAKSHMI
   D/O. VADDE LAKSHMANNA
   AGED ABOUT 29 YEARS.

   ALL ARE R/AT No.1-17
   V. LAKSHMANNA, KAYAVARAM
   KAMAVARAM, KARNOOL DISTRICT
   ANDHRA PRADESH STATE-518 302.

...APPELLANTS

(BY SRI VIJAY KUMAR T, ADVOCATE)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. M/s. LIBERTY GENERAL INSURANCE CO. LTD,
   BY ITS MANAGER
   OFFICE No.1, ALYSSA, 1ST FLOOR
   REAR PORTION, OLD No.28
   NEW No.23, RICHMOND ROAD
   SHANTHALA NAGAR, ASHOK NAGAR
   BENGALURU-560 025.

2. THE HEAD MASTER
   M/S. ENDEAVOUR ACADEMY
   No.41, BUKKASAGARA VILLAGE
   BANNERGHATTA MAIN ROAD
   KALLUVALU POST, BENGALURU-560 105.

…RESPONDENTS

(BY SRI MALLIKRJUNA REDDY N A, ADVOCATE FOR
SRI B. PRADEEP, ADVOCATE FOR R1
R2-THE HEAD MASTER, M/S ENDEAVOUR ACADEMY,
BENGALURU-SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:30.01.2024 PASSED IN MVC No.7812/2018 ON THE FILE OF THE X ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU, SCCH-16, 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:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

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ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 30.01.2024 passed in MVC No.7812/2018 by the X Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-16).

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.1 –insurer.

3. The appellants made a claim petition praying to award compensation for the death of Vadde Nagesh @ Johnny in a road traffic accident occurred on 03.04.2018 contending that the accident occurred due to rash and negligent driving of the driver of School bus bearing registration No. KA-51-AB-3294. The Tribunal after recording the evidence of the parties, appreciating the

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evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Head of Compensation	Amount/Rs.
1.	Loss of dependency	Rs.18,90,000-00
2.	Loss of filial consortium	Rs.96,000-00
3.	Loss of estate	Rs.18,000-00
4.	Funeral expenses	Rs.18,000-00
	Total	**Rs.20,22,000-00**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.1 -insurer to deposit the award amount with interest and recover the same from respondent No.2 –owner of insurer vehicle. Claimants seeking enhancement of compensation have filed the present appeal.

5. Learned counsel for appellants submits that claimants are parents, brother and sister of the deceased and consortium awarded is only to two claimants. Learned counsel for respondent No.1 -insurer submits that the Tribunal has passed pay and recovery order and same is

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to be maintained and there should be direction to the Tribunal to issue notice to the owner prior to release of the amount deposited by the insurer.

6. Having heard learned counsels, the Court has perused the judgment and award.

7. Claimant Nos.1 and 2/appellant Nos. 1 and 2 are parents, claimant No.3/appellant No. 3 is brother and claimant No.4/appellant No.4 is sister of the deceased. All the claimants are entitled to loss of consortium in a sum of Rs.40,000/- each. Therefore, claimants are entitled to consortium of Rs.1,60,000/- as against Rs.96,000/- as awarded by the Tribunal. Claimants are not seeking any enhancement under other heads.

8. In view of the above, claimants are entitled to enhanced compensation under the head of loss of consortium in a sum of Rs.64,000/- (Rs.1,60,000/- less Rs.96,000/-) with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.1 -

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insurer shall deposit the said enhanced compensation with interest and recover the same from the respondent No.2 - owner of the vehicle.

9. In view of above, the following

ORDER

i) The appeal is ***allowed in part.***

ii) Appellants -claimants are entitled to enhanced compensation of Rs.64,000/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) Claimants are not entitled to interest for the delay period of 562 days filing the appeal as per order dated 04.11.2026.

iv) Appellants -claimants are entitled to release of entire enhanced compensation in the ratio of 40:40:10:10.

v) The Tribunal shall secure respondent No.2 -owner of the vehicle prior to release of the enhanced

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compensation amount and get an undertaking to pay the said amount to the insurer.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 22
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