



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.111 OF 2025 (MV-D)

BETWEEN:

1. SRI. CHOWDAPPA
S/O LATE CHIKKAMUNIYAPPA,
AGED ABOUT 70 YEARS,
DEAD REPRESENTED BY HIS LRS.,
SMT JAYAMMA,
W/O LATE CHOWDAPPA,
AGED ABOUT 65 YEARS,
R/AT LINGAPURA VILLAGE,
TAVAREKERE POST,HOSAKOTE TALUK,
BANGALORE DISTRICT-562114
2. SRI L C NAVEEN KUMAR
S/O LATE CHOWDAPPA,
AGED ABOUT 29 YEARS,
R/AT LINGAPURA VILLAGE,
TAVAREKERE POST,HOSAKOTE TALUK,
BANGALORE DISTRICT-562114.



...APPELLANTS

(BY SRI. P SURESH,ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
KSRTC DIVISION,
CENTRAL OFFICE, K H ROAD,



SHANTHINAGAR,
BENGALURU-560027.

...RESPONDENT

(BY SRI.JAGADEESH G S. GURUBASAPPA E S,ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 05.09.2019 PASSED IN MVC NO.2276/2018 ON THE FILE OF THE VIII ADDITIONAL SCJ AND ACMM, MEMBER MACT, BENGALURU SCCH-5,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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellants/claimants under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 05.09.2019 passed in MVC No.2276/2018, by the Court of VIII Additional Small Causes Judge and the Motor Accident Claims Tribunal (SCCH-5), Bengaluru, [for short 'Tribunal'] for enhancing the compensation.



2. Heard the arguments of learned counsel for respondent No.1 and learned counsel for the appellants.

3. Brief facts of the case are that, Sri. Chowdappa, s/o.Chikkamuniyappa, met with an accident on 01.04.2018 and sustained grievous injuries. The injured filed claim petition claiming compensation for injuries sustained by him. During the pendency of the said claim petition, the injured died. Subsequently, his legal representatives i.e. wife and son impleaded themselves by amending the said claim petition claiming compensation of Rs.8,00,000/-. The Tribunal considering the entire evidence on record granted Rs.4,62,000/- with interest at the rate of 9% p.a. from the date of petition till the date of realisation. Aggrieved by the said order, this appeal is filed.

4. It is contended by the learned counsel for the appellants that Chowdappa was earning Rs.15,000/- p.m. Due to his untimely death, the petitioners have suffered



loss of dependency and affection. However, the monthly income of Chowdappa has been wrongly assessed. It is submitted that Chowdappa was doing coolie work and earning Rs.15,000/- per month. Further, the Tribunal has committed an error in considering the monthly income of the deceased by keeping in mind the year of accident and occupation and he was admitted in the hospital as inpatient from 01.04.2018 to 16.04.2018 and died on 17.05.2018. Further, the Tribunal considered the deduction towards personal expenses as 50% instead of 1/3. Lastly, the Tribunal has committed an error in awarding very meagre compensation under conventional heads. Therefore, the appellants have requested for enhancement of compensation.

5. On contrary, the learned counsel for respondent- Insurance Company contended that since appellant No.2 is the major son of the deceased, he cannot be considered as dependant on the income of the deceased and the Tribunal has rightly considered the deduction towards personal



expenses and it is not established by the appellants that whether injured has filed claim petition initially and after the demise of injured claimant, the petition was converted into the case of death and also the appellants have failed to prove the nexus between injuries and death and no documents were produced in this regard. It is also contended that post-mortem was not conducted. Moreover, the respondent-Insurance company has not preferred any appeal challenging the said aspect and prays to dismiss the appeal.

6. It is stated that Chowdappa was aged 70 years and the relevant multiplier is to be taken as '5'. Though the appellants have stated that the deceased was earning Rs.15,000/- per month, they have not filed a single document to prove his income. Since the accident occurred in the year 2018, this Court finds it appropriate to consider the notional income of deceased at Rs.12,500/- as per the guidelines issued by Karnataka State Legal Services Authority.



7. Admittedly, it is the case of injury at the first instance but later, after the death of Chowdappa on 17.05.2018, the same was converted into case of death as the injured was admitted in the hospital from 01.04.2018 to 16.04.2018 and subsequently died on 17.05.2018 i.e. one month after his discharge. Exs.P4 and P5 which are the wound certificate and discharge card are also produced.

8. Further the appellants examined PW.2-doctor wherein he stated that Chowdappa sustained following injuries:

- lacerated wound over heel, 2x2 cm bleeding [+]
- lacerated wound over right elbow 1x1" bleeding [+]
- abrasion on dorsum of right hand 1x1" bleeding [+]
- lacerated wound on dorsum of left hand 1x1" bleeding [+]
- deformity of right hip region
- lacerated wound and skin flap over left gastronomius muscles
- x-ray reveals that right sub trochanteric fracture of femur

On 2.04.2018 under epidermal anesthesia, the injured was operated for the communited subtrochanteric fracture of



right femur and the injured had mild respiratory infection post operatively for which pulmonologist was consulted and treated accordingly and discharged on 16.04.2018 with follow up advice, regular dressing, chest and limb physiotherapy. Though the postmortem is not conducted and considering the medical evidence, age and injuries sustained in the accident, this Court is of the view that there is nexus between the injuries sustained in the accident and death. As such, the legal heirs of the deceased are brought on record and the Tribunal has rightly granted compensation by considering other parameters and this Court finds no reason to interfere with the same.

9. As the deceased was aged 70 years, he is not entitled for future prospects. Since there are two dependants, $\frac{1}{3}$ is to be deducted towards personal expenses. Accordingly, the 'loss of dependency' come to **Rs.5,00,000/-** ($12,500 \times 12 \times 5 - \frac{1}{3}$). Petitioner Nos.1 and 2 being the wife and son of deceased, is entitled to



Rs.40,000/- each under the head 'spousal consortium' and 'parental consortium' that comes to **Rs.80,000/- (40,000x2)**. Apart from that, the appellants are also entitled for **Rs.30,000/-** towards 'conventional heads' as per the decision of the Hon'ble Apex Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi & Other***. Further, the medical bills to the tune of Rs.82,000/- was incurred towards treatment of the deceased and the Tribunal has already granted the same. As such, this Court finds no reason to interfere with the said amount and it is confirmed.

10. Thus in all, components awarded by this Court are as below,

Particulars	Amount in Rs.
Loss of dependency	5,00,000.00
Loss of consortium	80,000.00
Conventional heads	30,000.00
Medical expenses	82,000.00
Total	6,92,000.00



11. Compensation is enhanced from Rs.4,62,000/- to Rs.6,92,000 /- and the enhanced compensation is **Rs.2,30,000/-**, which carries interest at the rate of 6% per annum. Further, the insurance company has already deposited the award amount before the Tribunal.

12. In the result, the following order is passed:

ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 05.09.2019 passed in MVC No.2276/2018, by the Court of the VIII Additional Small Causes Judge and the Motor Accident Claims Tribunal (SCCH-5), Bengaluru, is modified;
- iii. Respondent-Insurance Company is directed to deposit the enhanced compensation of **Rs.2,30,000/-** with interest at the rate of 6% per annum within one month from the date of this order.
- iv. On such deposit, appellant No.1 i.e. wife of the deceased is alone permitted to



withdraw the said amount with interest accrued on it.

- v. Further, the appellants/claimants are not entitled for the interest for the delay period of 1143 days vide order dated 25.04.2026.

Sd/-
(P SREE SUDHA)
JUDGE

SSD
List No.: 1 Sl No.: 14