



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU  
DATED THIS THE 24<sup>TH</sup> DAY OF MARCH, 2026  
BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**MISCELLANEOUS FIRST APPEAL NO. 649 OF 2025 (MV-D)**

**BETWEEN:**

1. HEMALATHA N  
W/O LATE DEVARAJU E.  
AGED ABOUT 35 YEARS
2. HARSHITHA,  
D/O LATE DEVARAJU E.,  
AGED ABOUT 5 YEARS
3. NINGAMMA,  
W/O LATE EARANNA  
AGED ABOUT 69 YEARS

APPELLANT NO.2 IS MINOR, REPRESENTED BY HER  
NATURAL GUARDIAN-MOTHER HEMALATHA N.  
I.E., APPELLANT NO.1

ALL ARE RESIDING AT :  
CHIKKHULIKUNTE VILLAGE,  
SIRA TALUK,

NOW RESIDING AT :  
NO.28, ANJADRI EXTENSION,  
MARALENAHALLI, D.M.PALYA,  
SIRA GATE,  
TUMAKURU TALUK-562106

...APPELLANTS

(BY SRI. SHANTHARAJ K.,ADVOCATE)

Digitally signed  
by  
PADMA SREE  
SHEKHAR DESAI  
Location: High  
Court of  
Karnataka



**AND:**

1. K GANGAPPA  
S/O KARIYAPPA,  
AGED ABOUT 49 YEARS,

RESIDING AT :  
LAKSHMIPURA ROAD,  
BEHIND CANARA BANK,  
MADANAYAKANAHALLI  
MADAVARA POST,  
DASANAPURA HOBLI,  
BENGALURU-560023

2. THE MANAGER,  
ICICI LOMBARD GENERAL INSURANCE CO., LTD.,  
2ND FLOOR, SVR COMPLEX,  
HOSUR MAIN ROAD,  
BENGALURU-560068

...RESPONDENTS

(BY SRI. B.PRADEEP - ADVOCATE FOR R2;  
V/O. DATED 09.01.2026 NOTICE TO R1 D/W)

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MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE  
JUDGMENT AND AWARD DT.26.07.2024 PASSED IN MVC  
NO.316/2021 ON THE FILE OF THE III ADDITIONAL SENIOR  
CIVIL JUDGE AND JMFC, MACT, TUMAKURU, PARTLY  
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND  
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



**ORAL JUDGMENT**

Heard the arguments on both sides.

2. This appeal is filed against the judgment and award passed by the III Additional Senior Civil Judge and MACT, Tumakuru ("Tribunal" for brevity) in MVC No.316 of 2021 dated 26.07.2024.

3. Brief facts of the case are, Devaraju s/o.Eranna met with an accident on 21.12.2020. His wife, daughter and mother filed claim petition claiming compensation of ₹50,00,000/-. The Tribunal considering the entire evidence on record granted an amount of ₹25,86,000/- with interest at the rate of 6% per annum from date of petition till deposit.

4. Aggrieved by the said award, this appeal is preferred mainly contenting that, Devaraju was aged 31 years at the time of accident, he was an ITI holder and was working at Commscope T Connectivity Global Shared Services India Pvt.Ltd. as a Skilled Operator and was drawing salary of Rs.48,000/- per month and it has also been deposed by



PW.1-wife of Devaraju. But the Tribunal erred in taking his income as ₹14,000/-. Police recorded his age as 39 years instead of 31 years. Amount granted under the conventional heads is on lower side and interest is to be granted at the rate of 12%.

5. Petitioners have produced Aadhar card, PAN card and pass book as per Exhibits P.6 to P.8, certificates under Exhibits P.9 and P.11, salary slip pertaining to the year 2016 under Exhibit P.12, IT returns for the years 2016 and 2017 under P.13 and RTCs as per Exs.P.15 and 16.

6. Devaraju met with an accident in the year 2020 and as such the Tribunal has not considered any of the documents. Moreover, it was brought in the evidence that the deceased himself resigned the job in the year 2018 and later he was doing agriculture and at the time of retirement, he has received benefits of more than Rs.30,00,000/-. Exhibits P.15 and 16, two RTCs are produced to show that he was possessing lands and doing agriculture wherein extent of land possessed is not



revealed. However, as per Ex.P.17 driving licence his age is mentioned as 38 years and hence, age aspect is not disputed and the multiplier of '15' could safely be taken. Admittedly, the deceased was a qualified person and was in a better place/position prior to the accident. But, later he resigned his job in the year 2018 and received his VRS benefits and said to be working as an agriculturalist at the time of the accident. Therefore, this court finds that his income is to be taken as Rs.20,000/- per month, instead of the notional income and is entitled for 40% towards future prospects and one third is to be deducted towards personal expenses. Hence, compensation towards loss of dependency comes to Rs.33,60,000/-(20,000+40%x12x15 minus 1/3).

7. Further, the first petitioner-wife is entitled Rs.44,000/- towards spousal consortium, second petitioner-daughter is entitled for 44,000/- towards parental consortium and third petitioner-mother of deceased is entitled for 44,000/- towards filial consortium



and the petitioners are also entitled for 33,000/- under the conventional heads.

8. Thus in all, components awarded by this court are as below,

| Sl.Nos. | Particulars                           | Amount in Rs.    |
|---------|---------------------------------------|------------------|
| 1       | Towards loss of dependency            | 33,60,000        |
| 2       | Towards loss of consortium (44,000x3) | 1,32,000         |
| 3       | Conventional heads                    | 33,000           |
|         | <b>Total</b>                          | <b>35,25,000</b> |

8. Hence, the petitioners in all are entitled for a total compensation of Rs.35,25,000/-. The Tribunal has awarded compensation of Rs.25,86,000/- and hence, the enhanced compensation comes to Rs.9,39,000/-.

9. It is submitted that the Insurance Company has already deposited the award amount before the Tribunal and therefore, is now directed to deposit the enhanced compensation of ₹9,39,000/- with interest at the rate of 6% within one month from the date of this order.



On such deposit, the first petitioner/wife of Devaraju is alone permitted to withdraw the said amount along with interest.

Accordingly, the Appeal is ***allowed in part.***

**Sd/-  
(P SREE SUDHA)  
JUDGE**

rs  
List No.: 1 Sl No.: 41