



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 696 OF 2024 (MV-D)

BETWEEN:

SMT. SHANTHAMMA
W/O LATE YALLAPPA
NOW AGED ABOUT 57 YEARS,
RESIDING AT KODICHERUVU VILLAGE
GUMMAREDDIPURA POST,
SRINIVASAPURA TALUK
KOLAR DISTRICT.

...APPELLANT

(BY SRI. GOPAL KRISHNA N, ADVOCATE)

AND:

1. SRI. K.Y. MOHANPRASAD
S/O LATE YALLAPPA
MAJOR BY AGE
RESIDING AT KODICHERUVU VILLAGE
GUMMAREDDIPURA POST,
SRINIVASAPURA TALUK
KOLAR DISTRICT - 563 135.
2. M/S UNITED INDIA INSURANCECOMPANY LTD.,
REGIONAL OFFICE,
5TH FLOOR, KRUSHI BHAVANA
NRUPATHUNGA ROAD,
HUDSON CIRCLE
BENGALURU - 560 001,

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka



REP. BY ITS MANAGER

...RESPONDENTS

(BY SRI. MOHAN KUMAR T, ADVOCATE FOR R2;
VIDE ORDER DATED 09.01.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.05.01.2023 PASSED IN MVC
NO.7346/2019 ON THE FILE OF THE IX ADDITIONAL SMALL
CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7,
BENGALURU, 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 P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under
Section 173(1) of Motor Vehicles Act, 1988 challenging the
judgment and award dated 05.01.2023 passed in MVC
No.7346/2019 on the file of the IX Additional Small Causes
Judge, Court of Small Causes, Member, MACT-7,
Bengaluru, for enhancement of the compensation.



2. Heard the arguments of learned counsel for the appellant and learned counsel for respondent No.2/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The brief facts of the case are that, one Yallappa S/o Late Munihanumappa, met with an accident on 11.08.2019 and died subsequently. His wife filed petition before the Tribunal for compensation of Rs.50,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.93,722/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of deposit. Being aggrieved by the said order, this appeal is filed and mainly contended that Yallappa was aged 62 years and was a retired Police ASI. After his retirement, he was working in a private firm and earning Rs.25,000/- per month. But the Tribunal has taken the family pension and considered the difference of income as Rs.425/- for the purpose of calculating the loss of dependency. The appellant stated that Yallappa was



working in Sri Venkateshwara Traders and therefore, requested for modification of the order.

4. Learned counsel for respondent No.2/Insurance Company stated that Yallappa was a retired employee and he has not filed any document to show that he was working after his retirement. The Tribunal observed that Yallappa was getting a pension of Rs.14,140/- and after his death, the appellant/claimant is getting a pension of Rs.13,715/-. As such, the difference of Rs.425/- was taken as the loss of income and the compensation was calculated accordingly. Admittedly, Yallappa was a retired employee and a pensioner. Though it is stated that he was working and earning after retirement, the appellant/claimant has not produced any proof of income, but as he met with an accident in the year 2019, this Court finds it reasonable to take his notional income at Rs.14,000/- per month. The observation of the Tribunal that the loss of income to the claimant is only Rs.425/- is not on proper appreciation of facts and therefore, the



same is set aside. Yallappa was aged 62 years at the time of the accident and the applicable multiplier is '7'. He is not entitled for future prospects and $1/3^{\text{rd}}$ is to be deducted towards personal expenses. Accordingly, the loss of dependency comes to **Rs.7,84,000/-** ($14,000 \times 12 \times 7 - 1/3$). The petitioner is entitled to **Rs.40,000/-** towards spousal consortium and **Rs.30,000/-** under conventional heads.

5. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1	Towards loss of dependency	7,84,000/-
2	Towards spousal consortium	40,000/-
3	Towards conventional heads	30,000/-
	Total	8,54,000/-

6. Hence, the appellant-claimant is entitled for a total compensation of Rs.8,54,000/- along with interest at the rate of 6% p.a.



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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 05.01.2023 passed in MVC No.7346/2019 on the file of the IX Additional Small Causes Judge, Court of Small Causes, Member, MACT-7, Bengaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.8,54,000/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.93,772/- granted by the tribunal.
- iv. Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced



compensation of **Rs.7,60,228/-** along with the interest at the rate of 6% within one month from the date of this order.

- v. On such deposit, petitioner is permitted to withdraw the entire amount along with interest accrued on the same.
- vi. As per order dated 09.01.2026, the claimant is not entitled for interest for the delayed period of 294 days.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 46