

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR JUSTICE D K SINGH

AND

THE HON'BLE MR JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5630 OF 2021(MV-D)

BETWEEN

1 . KANNAN. N
S/O. K. R. NAGARAJU,
AGED ABOUT 50 YEARS,

2 . ISHWARYA
D/O. N. KANNAN,
AGED ABOUT 17 YEARS,

APPELLANT NO.2 IS A MINOR,
REPRESENTED BY HER FATHER
NATURAL GUARDIAN 1ST APPELLANT
BOTH ARE RESIDING AT
NO.198/2B, 9TH CROSS,
'A' BLOCK, MAHADEVAPURA,
MYSORE-571 114.

...APPELLANTS

(BY SRI. SHANTHARAJ K, ADVOCATE)

AND

1 . THE MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
SULTANBATHERI UNIT,
TIRUVANANTHAPURA DISTRICT,
KERALA STATE-673 592.

2 . NATIONAL INSURANCE COMPANY LIMITED
BY ITS MANAGER,
DIVISION OFFICE-II,

NO.1, SRI SRINIVASA PLAZA,
1ST FLOOR, 5TH STAGE,
ADICHUNCHANAGIRI ROAD,
KUVEMPUNAGARA,
MYSURU-570 023.

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R2,
VIDE COURT ORDER DATED 09.11.2021, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 31.08.2020 PASSED IN MVC
NO.1530/2018 ON THE FILE OF THE II ADDITIONAL DISTRICT
JUDGE AND MACT, MYSURU, ALLOWING THE CLAIM PETITION FOR
COMPENSATION SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN RESERVED FOR JUDGMENT ON
13.10.2025 COMING ON FOR PRONOUNCEMENT THIS DAY,
RAJESH RAI K, J., DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE RAJESH RAI K

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

1. In respect of an accident, which is not in dispute and
which has occurred on 20.08.2018, the Tribunal has awarded a
sum of Rs.45,000/- as compensation for the death of one K.R.
Nagaraju, who was a retired railway employee drawing
pension.

2. The learned counsel for the claimant contended that the sums awarded by the Tribunal under different heads are meager. He also contended that the Tribunal has not properly assessed the income of the deceased, who was a retired railway employee, drawing pension of Rs.9,570/- p.m. and was doing real estate business and thus, in all, he was earning a sum of Rs.30,000/- p.m. As such, he prays to allow the appeal by enhancing the compensation.

3. *Per contra*, learned counsel for the insurer fairly conceded that the Tribunal has erred in not considering the income of the deceased at Rs.9,570/-. She, however, contended that the claimant, being not dependent on the deceased, deduction towards personal and living expenses would have to be at 50%. To buttress her argument, she relied on the following judgments:

1. Jitendra Kumar & Anr vs Sanjay Prasad & Ors -Civil Appeal No.7199/2025

2. Deep Sikhs & Anr vs. National Insurance Co. Ltd & Ors - SLP (C) No (S).22265-66/2018

3. New India Assurance Co. Ltd vs Vinish Jain & Ors SLP (C) No (S).13931-32/2017

*4. New India Assurance Co. Ltd vs Yogesh Jain & Ors- SLP
(C) No (S).13933/2017*

4. We have carefully perused the impugned award and also the Trial Court records.

5. The accident in question and the liability are not in dispute. The deceased was a retired railway employee and was aged 73 years at the time of accident and was drawing pension of Rs.9,570/- per month. Thus, the claimant would be entitled to the loss of dependency at **Rs.2,87,100/-** (Rs.9,570 X 50% X 12 X 5).

6. The claimant, being the son of the deceased, would be entitled to Rs.48,400/- towards loss of consortium and Rs.36,300/- under conventional heads as per the judgment in the case of **NATIONAL INSURANCE COMPANY LIMITED VS. PRANAY SETHI & OTHERS - (2017) 16 SCC 680**.

7. Thus, the claimant, in modification of the impugned award, would be entitled to the following sums:

Sl.	Particulars	Amount (In Rs.)
1.	Loss of Dependency	2,87,100
2.	Loss of Consortium	48,400

3.	Conventional Heads	36,300
	Total	3,71,800

8. Thus, the claimant would be entitled for compensation of **Rs.3,71,800/-** as against Rs.45,000/- awarded by the Tribunal, along with interest at the rate of 6% per annum from the date of petition till its realization.

9. The Insurance Company is directed to deposit the amount of compensation awarded within a period of two months from the date of receipt of a certified copy of this judgment.

10. Accordingly, the appeal of the claimant is ***allowed in part.***

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(RAJESH RAI K)
JUDGE**