



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.3177/2020 (MV-D)

BETWEEN:

1. MAHADEVAMMA
W/O LATE MADEGOWDA
AGED ABOUT 51 YEARS.

2. K.M. CHINNASWAMY
S/O LATE MADEGOWDA
AGED ABOUT 35 YEARS.

BOTH ARE R/AT KURUBA STREET
KUDERU VILLAGE
SANTHEMARAHALLI HOBLI
CHAMARAJANAGAR 571316.

...APPELLANTS

(BY SRI. SYED ABDUL SABOOR, ADV.,)

AND:

1. DHANANJAYA S.K.
S/O KUNJANAN RAI .H
AGED ABOUT 43 YEARS
R/AT NO. 245, SAMRUDDI
1ST-B-CROSS
VIJAYA BANK COLONY EXTENSION
BASVANGUDI, BANGALORE 560043.
(OWNER OF M/C. KA-03-HE-3594).

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



2. MANAGER
UNITED INDIA INSURANCE CO LTD
BALLA CIRCLE BRANCH
MYSURU,
(INSURER OF M/C KA 03 HE 3594.

...RESPONDENTS

(BY SMT. MANJULA N. TEJASWI, ADV., FOR R2
V/O/DTD:10.03.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 01.08.2018 PASSED IN MVC
NO.797/2017 ON THE FILE OF THE PRINCIPAL JUDGE, COURT
OF SMALL CAUSES, AS A PRESIDING OFFICER, MOTOR
ACCIDENTS CLAIMS TRIBUNAL, MYSURU, 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 MR. JUSTICE VIJAYKUMAR A. PATIL



ORAL JUDGMENT

This appeal is filed by the claimants seeking enhancement of compensation being aggrieved by the judgment and award dated 01.08.2018 passed in MVC No.797/2017 on the file of the Principal Judge, Court of Small Causes and Senior Civil Judge and MACT, Mysuru, (for short, 'Tribunal').

2. Though this appeal is listed for admission, with the consent of learned counsel for the parties, it is taken up for final disposal.

3. Sri.Syed Abdul Saboor, learned counsel for the appellants submits that this appeal is filed only to the extent of deduction of 50% towards the personal and living expenses of the deceased by the Tribunal by ignoring the fact that the claimants are the wife and adopted son of the deceased. Hence, he seeks to modify the judgment and award of the Tribunal to the aforesaid extent by allowing the appeal.



4. Per contra, Smt.Manjula N.Tejaswi, learned counsel for the respondent-Insurance Company submits that the PW1, in her cross-examination, has clearly admitted that she has not produced any document to show that appellant No.2 is taken in adoption, therefore, in the absence of any such evidence, he cannot be considered as a dependent on the deceased. Hence, the deduction towards the personal and living expenses of the deceased would be 50% which has been rightly considered by the Tribunal. She submits that insofar as the income of the deceased is concerned, the Tribunal has incorrectly assessed the income at Rs.12,000/- per month, but it should have been Rs.11,000/- per month as per the notional income chart prepared by the KSLSA. She further submits that the award of compensation of Rs.50,000/- towards the loss of love and affection by the Tribunal is impermissible in view of the subsequent decisions of the Hon'ble Supreme Court. Hence, she seeks to dismiss the appeal.



5. I have heard the arguments of the learned counsel appearing on both the sides and meticulously perused the material available on record.

6. It is not in dispute between the parties that in a road accident that occurred on 06.07.2017, the husband of the appellant No.1 i.e., Madegowda, died. The contention in this appeal is only with regard to the deduction towards the personal and living expenses of the deceased. The claim petition and the appeal memo indicate that the appellant No.1 is the wife of the deceased Madegowda and appellant No.2 is an adopted son of deceased Madegowda. Though appellant No.1, who is examined as PW1, in her cross-examination, has stated that she has not produced the adoption deed, in my considered view, based on such a statement in the cross-examination, this Court cannot disbelieve the pleading and evidence of PW1, who has clearly deposed before the Tribunal that claimant No.2 is an adopted son and is a dependent and is residing with them. Due to the accidental



death of her husband they have lost the dependency. The said evidence cannot be ignored. Hence, the contention of the respondent has no merit.

7. Insofar as the income of the deceased Madegowda is concerned, the respondent-Insurance Company has raised objection to the assessment of the income by the Tribunal at Rs.12,000/- per month. The said objection also cannot be considered as there is no appeal filed by the Insurance Company to disbelieve the evidence and the present appeal is restricted only with regard to the assessment of deduction towards the personal and living expenses of the deceased. Hence, I am of the considered view that the compensation is required to be re-assessed appropriately. Since the appellant Nos.1 and 2 are the wife and son and the dependents of the deceased Madegowda, the appropriate deduction would be 1/3rd as per the judgment of the Hon'ble Supreme Court in the case of ***Sarla Verma and others vs. Delhi Transport***



Corporation and another¹. Thus, the appellants-claimants are entitled to compensation under the head of loss of dependency would be as under:

$$\text{Rs.}12,000 \times 12 \times 7 * - 1/3 = \textbf{Rs.6,72,000/-}.$$

8. The claimants being the wife and son of the deceased Madegowda are entitled to the compensation under the head of loss of consortium at **Rs.44,000/- each** including 10% escalation. The appellants-claimants would be entitled to a sum of **Rs.16,500/-** under the head of 'loss of estate' and **Rs.16,500/-** under the head of 'funeral expenses & transportation of dead body' including 10% escalation. Thus, in all, the appellants-claimants shall be entitled to modified compensation under the following heads:

HEADS	AMOUNT (in Rs.)
Loss of estate	16,500
Funeral expenses & transportation of dead body	16,500
Loss of consortium (Rs.44,000 x 2)	88,000
Loss of dependency	* 6,72,000
Total	* 7,93,000

¹ (2009) 6 SCC 121

* Corrected vide Court
Order dated 22.06.2026



Thus, the claimants shall be entitled to a total compensation of ***Rs.7,93,000/-** as against Rs.6,24,000/- awarded by the Tribunal.

9. In the result, this Court proceeds to pass the following:

ORDER

- a) Appeal is ***allowed in part.***
- b) The impugned judgment and award of the Tribunal is modified to an extent that the claimants would be entitled to total compensation of ***Rs.7,93,000/-** as against Rs.6,24,000/- awarded by the Tribunal.
- c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment excluding the interest for

* Corrected vide Court
Order dated 22.06.2026



the delayed period of 406 days as per the order dated 17.03.2026.

- d) The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.
- e) Out of the total compensation amount, the appellant No.1 being the wife of the deceased is entitled to *Rs.7,00,000/- and appellant No.2 being the son is entitled to *Rs.93,000/-.
- f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 2 SI No.: 5

* Corrected vide Court
Order dated 22.06.2026