HC-KAR

NC: 2026:KHC:22404
MFA No. 1137 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1137 OF 2026 (MV-D)

BETWEEN:

1. SRI KRISHNAMURTHY J S
   S/O LATE SIDDAPPA,
   AGED ABOUT 48 YEARS,

2. SMT. PUSHPALATHA
   W/O KRISHNAMURTHY,
   AGED ABOUT 42 YEARS,

3. POORNIMA J.K.
   D/O KRISHNAMURTHY,
   AGED ABOUT 19 YEARS,

   ALL ARE RESIDENTS OF
   JAMPENAHALLI VILLAGE,
   C.N. DURGA HOBLI,
   KORATAGERE TALUK,
   TUMAKURU DISTRICT.

...APPELLANTS

(BY SRI. K.V. NAIK, ADVOCATE)

AND:

1. SRI. NIRANJAN T.V,
   S/O VEERASIDDAIAH,
   AGED ABOUT 54 YEARS,
   RESIDENT OF JAGANNATHAPURA,

SWANDENAHALLI POST,
TUMAKURU TALUK,
TUMAKURU DISTRICT,
(OWNER OF THE MARUTHI SWIFT CAR
BEARING REG. NO. KA-01-MV-5691)

2. THE MANAGER
BAJAJ ALLIANZ GENERAL INSURANCE COMPNAY,
GOLDEN HEIGHTS, 4TH FLOOR,
NO.1/2, 59TH C CROSS,
4TH M. BLOCK, RAJAJINAGAR,
BENGALURU - 560 010.
(POLICY NO. 20255002072170004900000
VALID FROM 11.03.2022 TO 10.03.2023).

...RESPONDENTS

(BY SRI. RAVI SHANKAR SAMPRATHI, ADVOCATE FOR R2;
VIDE ORDER DATED 12.02.2026, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED.30.01.2025 PASSED IN MVC NO.958/2022 ON THE FILE OF THE ITINERARY SENIOR CIVIL JUDGE AND JMFC AT MADHUGIRI, 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 appellants under Section 173(1) of Motor Vehicles Act, 1988 against the judgment and award dated 30.01.2025 passed in MVC No.958/2022 by the Court of Itinerary Senior Civil Judge and JMFC, at Madhugiri for enhancing the compensation.

2. Heard the arguments of learned counsel appearing for the appellants and respondent No.2. Notice to respondent No.1 is dispensed with vide order dated 12.02.2026.

3. The status of the parties before the Tribunal is retained for the sake of convenience.

4. Brief facts of the case is that, on 11.06.2022 at about 7.30 a.m the deceased Keshava.J.K met with an accident and died subsequently. His parents and minor sister filed a claim petition claiming compensation of Rs.25,00,000/-. The Tribunal considering the entire evidence on record, granted compensation of

Rs.5,80,000/- with the interest at the rate of 6% per annum from date of petition till deposit. Aggrieved by the said order they preferred an appeal and mainly contended that Keshava.J.K was aged 12 years at the time of the accident. As he met with an accident in the year 2022, his notional income is to be taken as Rs.16,000/- and proper multiplier is to be considered and loss of dependency is to be calculated as per the judgment in ***MFA No.11440/2011 c/w MFA No.206/2018 Lakshmi Narayanappa @ Moogappa and others -vs- M/s Royal Sundaram Allianz General Insurance Company Limited*** and thus requested for enhancement of the compensation.

5. The deceased Keshava.J.K was aged 12 years at the time of the accident and he met with an accident on 11.06.2022 The learned counsel for the appellant relied upon the citation which was reported in the case of ***Civil Appeal No.10278/2025 Hitesh Nagjibhai Patel -vs- Bababhai Nagjibhai Rabari and another*** in which it

was stated that the income of the minor is to be considered as per the minimum wages act pertaining to the concerned year. The learned counsel for the respondents stated that minimum wages of the concerned year comes to Rs.510 per day i.e. (510x26) Rs.13,260/- per month. Therefore, the said amount is to be taken as his income and he was aged 12 years. As per the said citation the multiplier is to be taken as '18' and he is entitled for 40% towards future prospects and 50% is to be deducted towards personal expenses as he was minor and unmarried. Thus, **loss of dependency** comes to **Rs.20,04,912/-** (13,260 + 40%x12x18-50%).

6. Claimant Nos.1 and 2 are parents of the deceased and each of them are entitled for an amount of **Rs.44,000/- towards filial consortium** and they are also entitled for **Rs.33,000/- under the conventional heads**. Thus, the total compensation comes to Rs.21,25,912/- and compensation is enhanced from Rs.5,80,000/- to **Rs.21,25,912/-.**

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

ORDER

i. Appeal is allowed-in-part.

ii. The judgment and award dated 30.01.2025 passed in M.V.C.No.958/2022 by the Court of Itinerary Senior Civil Judge and JMFC, Madhugiri is modified;

iii. The appellants are entitled to a sum of Rs.21,25,912/- along with interest at 6% p.a. from the date of petition till the date of realization as against Rs.5,80,000/-.

iv. As the Insurance Company already deposited the awarded amount, respondent No.2 is directed to deposit the enhanced compensation of Rs.15,45,912/-with the interest at the rate of 6% per annum within one month from the date of this order.

v. On such deposit, petitioner Nos.1 and 2 are permitted to withdraw the entire amount along with accrued interest equally.

vi. Petitioner No.3 is dependent on petitioner No.1 and she is not entitled for any compensation.

vii. Draw award accordingly.

viii. Claimants are not entitled for interest for delayed period of 271 days as per I.A No.1/2026 order dated 12.02.2026.

Sd/-
(P SREE SUDHA)
JUDGE

VS
List No.: 1 Sl No.: 63