



NC: 2026:KHC:11846
MFA No. 199 of 2019
C/W MFA No. 8131 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 199 OF 2019 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO.8131 OF 2019(MV-D)

IN MFA No. 199/2019

BETWEEN:

1. MAMATHA KRISHNAPRASAD
NOW 31 YEARS,
W/O LATE K.G.KRISHNAPRASAD,
2. KRITHA PRASAD
(MINOR),
NOW 5 AND HALF YEARS,
S/O LATE K.G.KRISHNAPRASAD,
REP. BY HIS NATURAL GUARDIAN MOTHER,
SMT. MAMATHA, KRISHNAPRASAD/APPELLANT NO.1,
HEREIN, BOTH ARE R/AT PEL THADKA HOUSE,
PERUVAJE VILLAGE, MANIKARA POST,
SULLIA TALUK, DAKSHINA KANNADA,
DISTRICT PIN-574 239.

...APPELLANTS

(BY SRI. KARUNAKARA.P., ADVOCATE)

AND:

1. THE BRANCH MANAGER,
SBI GENERAL INSURANCE CO.LTD,
GROUND & 1ST FLOOR, RUKMINI TOWER,
3-1 PLATFORM ROAD/RAILWAY APPROACH ROAD,
SHESHADRIPURAM, BENGALURU-560 020.



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2. G.K.RAJU
NOW 47 YEARS,
S/O LATE KEMPE GOWDA,
R/O NO.9, GUTTA BASAVESHWARA NAGARA,
NEAR J.M.M. SCHOOL, CHIKKABANAVARA,
BENGALURU-560 090.

...RESPONDENTS

(BY SRI. ASHOK.N.PATIL., ADVOCATE FOR
SRI. B.PRADEEP, ADVOCATE FOR R1;
NOTICE TO R2 IS D/W, V/O DTD: 08.06.2023)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 02.12.2017 PASSED IN MVC
NO.1684/2016 ON THE FILE OF THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, D.K, MANGALURU, SITTING AT PUTTUR,
D.K, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

IN MFA NO. 8131/2019

BETWEEN:

1. SMT. KAMALA
NOW 63 YEARS,
W/O BABU RAJENDRA,
R/O PERLAMPADY HOUSE,
KOLTHIGE VILLAGE,
PUTTUR TALUK,
DAKSHINA KANNADA DISTRICT,
PIN-574 239.
2. BABU RAJENDRA
NOW 71 YEARS,
S/O MAILAPPA GOWDA,
R/O PERLAMPADY HOUSE KOLTHIGE VILLAGE,
PUTTUR TALUK,



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MFA No. 199 of 2019
C/W MFA No. 8131 of 2019

DAKSHINA KANNADA DISTRICT,
PIN-574 239.

...APPELLANTS

(SERVED AND UNREPRESENTED)

AND:

1. THE BRANCH MANAGER,
SBI GENERAL INSURANCE,
GROUND & 1ST FLOOR, RUKMIN TOWER,
3-1, PLATFORM ROAD/RAILWAY APPROACH ROAD,
SHESHADRIPURAM, BENGALURU,
PIN-560 020.

2. G.K.RAJU
NOW 48 YEARS,
S/O LATE KEMPE GOWDA,
R/O NO.9, GUTTA BASAVESHWARA NAGARA,
NEAR J.M.M.SCHOOL, CHIKKABANAVARA,
BENGALURU-560 090.

...RESPONDENTS

(BY SRI. ASHOK.N.PATIL., ADVOCATE FOR
SRI. PRADEEP.B., ADVOCATE FOR R1;
NOTICE TO R2 IS DISPENSED WITH, V/O
DTD:09.06.2023)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 02.12.2017 PASSED IN
MVC NO. 1916/2016 ON THE FILE OF THE V ADDITIONAL
DISTRICT AND SESSIONS JUDGE, D.K, MANGALURU,
SITTING AT PUTTUR D.K, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THESE APPEALS COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. The present appeals seek to challenge the common Judgment and Award 02.12.2017 in M.V.C.No.1684/2016 and MVC No.1916/2016 passed by the V Addl. District and Sessions Judge & Addl. Member, MACT, D.K., Mangaluru, sitting at Puttur, D.K.(hereinafter referred to as the "Impugned Award".) By the Impugned Award, the Tribunal has awarded compensation in a sum of Rs.12,05,000/- along with interest at 7% p.a. from the date of petition till the date of deposit, to the appellants/claimants.

2. Though the appellants in MFA No.8131/2019 have been served, none appears on their behalf. Learned Counsel for the appellants in MFA No.199/2019 as well as the learned counsel for the respondent No.1/Insurance Company are present. Given the fact that the appeals are pending for several years, this Court deems it apposite to dispose of these appeals.



3. The brief facts of the case are that in 10.09.2016, at about 12.30 p.m. the deceased Krishna Prasad was proceeding towards Perlampady, Amchinadka, Puttur Taluk by riding his motor cycle bearing registration No.KA-21-H-431. When he reached near Amchinadka of Madnoor Village, Puttur Taluk, at that time, a Lorry bearing registration No.KA-52-A-1249 coming from the opposite direction in a high speed, rash and negligent manner, came on the wrong side of the road and hit the motor cycle of the deceased. As a result of the accident, the deceased sustained grievous injuries and declared as dead when he arrived at the hospital.

3.1. Two petitions were filed, one being MVC No.1684/2016 filed by the wife and minor son of the deceased and another MVC No.1916/2016 being filed by the parents of the deceased. Both the claimants have filed the claim petitions claiming that they were the only surviving legal representatives and were dependent on deceased.



3.2. The petition was contested by the Insurance Company.

The owner of the offending vehicle however, did not appear and was placed ex parte.

3.3. Based on the pleading between the parties, the following issues were framed by the learned Tribunal:

"1. Whether the petitioners prove that on 10.09.2016, at about 12.30 P.M., deceased Krishna Prasad was proceeding towards perlampady, Amchinadka, Puttur Taluk by riding his motor cycle bearing reg. No.KA-21-H-431 and when he reached near Amchinadka of Madnnoor village, Puttur Taluk, D.K.District, same time, a lorry bearing registration No.KA-52-A-1249 came from Sullia towards Puttur D.K. side driven by its driver in a high speed, rash and negligent manner and violating the traffic rules and regulations, after coming to wrong side of the road hit to the motor cycle in which deceased was proceeding, resulted accident, due to which Krishna Prasad sustained grievous injuries and succumbed to the injuries on the way to hospital, and the same is actionable negligence on the part of driver of lorry bearing Reg.No.KA-52-A-1249?

2. Whether the petitioners are entitled for compensation? If so, what is the quantum and from whom?

3. What Order or Award?"

3.4. Claimant No.1/wife of deceased in MVC No.1684/2016 was examined as P.W.1, the employer of the deceased was examined as P.W.2 and an eyewitness was examined as P.W.3 and marked the documents as Ex.P1 to Ex.P14. The



respondent/Insurance Company did not produce any evidence except copy of the Insurance Policy as Ex.R1.

3.5. The learned Trial Court after examining the evidence placed before it awarded the compensation under the following heads:

Sl.No.	Particulars	Amount (Rs.)
01	For transportation of dead body and funeral expenses	35,000-00
02	Loss of love and affection	20,000-00
03	Loss of estate	20,000-00
04	Loss of consortium to PW1	50,000-00
05	Loss of dependency (6000x12x15)	10,80,000-00
	TOTAL	12,05,000-00

3.6. The award was apportioned between the claimants in the following manner:



“Apportionment (awarded total amount Rs.12,05,000/-)

	Amount for cash	Amount for deposit in any Nationalised bank as per choice of the petitioners	Period of deposit
Petitioner No.1 in MVC No.1684/16	3,00,000/- with entire interest	Rs.2,00,000/-	For 5 years
Petitioner No.2 in MVC No.1684/2016		Rs.4,00,000/-	Till attaining majority
Petitioner No.1 in MVC 1916/16	80,000/-	75,000/-	For three years
Petitioner No.2 in MVC 1916/16	75,000/-	75,000/-	For three years”

4. Although no one appeared for the appellants in MFA No.8131/2019, learned counsel for the respondent/Insurance Company has fairly pointed out that these appeals are filed by the parents of the deceased. He submits that by the Impugned Award, the amounts of compensation have also been granted to these appellants. Accordingly, the award as modified in MFA.No.199/2019 shall be applicable to this case as well.



5. Learned counsel for the appellants/claimants submits that compensation has not been awarded correctly by the learned Tribunal. The accident happened in the year 2016 and therefore, notional income of the deceased should have been taken at Rs.9,500/- per month. In addition, it is contended that the learned Tribunal has only awarded Rs.50,000/- towards loss of consortium. However, since there were four family members and in terms of the judgment of ***National Insurance Co. Ltd. Vs. Pranay Sethi***¹ filial consortium should have been awarded in the sum of Rs.40,000/- to each of the family members. In addition, the amount of Rs.15,000/- each should have been awarded for loss of estate as well as transport and funeral expenses. Learned counsel further submits that future prospects have not been awarded by the learned Tribunal.

6. Learned counsel for the respondent/Insurance Company does not dispute the contention that notional income should

¹ (2017) 16 SCC 680



have been taken by the learned Tribunal at Rs.9,500/- per month or the other contentions raised by the learned counsel for the appellants/claimants in view of the settled law.

7. The question that arises for consideration of this Court is:

(i) Whether the compensation that has been calculated by the learned Tribunal is in accordance with law?

8. This Court has examined the Impugned Award. On examination of the Impugned Award, the amounts for loss of consortium are required to be added in terms of the settled law at the rate of Rs.40,000/- for each claimant which total's to and it comes to Rs.1,60,000/- and the amounts for the loss of estate and funeral expenses should be awarded at Rs.15,000/- each. An addition for future prospects at 40% is to be made since the deceased was 37 years of age at the time of accident and in view of the fact



that the deceased had four dependents, the loss of dependency should be calculated in the following manner.

Heads	Amounts
Loss of dependency	Rs.9,500 + 40% = 13,300/- Rs.13,300x3/4x12x15 = 17,95,500/-

9. Thus the compensation awarded by the Tribunal is re-assessed as follows:

Sl.No.	Particulars	Amount (Rs.)
1.	Loss of dependency	17,95,500-00
2.	Loss of consortium (Rs.40,000x4)	1,60,000-00
3.	Loss of Estate	15,000-00
4.	Transport and funeral expenses	15,000-00
	TOTAL	19,85,500-00
	Less: awarded by Tribunal	12,05,000-00
	Enhanced compensation	7,80,500-00

10. Hence, the appellants/claimants are entitled to total compensation of **Rs.19,85,500/-** along with interest as awarded by the Tribunal from the date of petition till the date of realization.



11. Accordingly, the Court proceeds to pass the following directions:

ORDER

- (i) The appeals are ***allowed in part.***
- (ii) The Impugned common Judgment and Award dated 02.12.2017 in MVC Nos.1684/2016 and 1916/2016 passed by the learned V Addl. District and Sessions Judge and Addl. Member, MACT, DK, Mangaluru, sitting at Puttur, is modified to the extent that the appellants/claimants are entitled to enhanced compensation of **Rs.7,80,500/-** along with interest as awarded by the Tribunal from the date of petition till the date of realization, in addition to **Rs.12,05,000/-** that has been awarded by the Tribunal.
- (iii) The remaining portion of the Impugned Award of the Tribunal remains undisturbed.



- (iv) The Insurance Company shall deposit the enhanced compensation with interest as awarded by the Tribunal within a period of eight weeks from the date of receipt of the judgment.
- (v) On such deposit, the same shall be released in favour of the appellants/claimants in the ratio apportioned by the Tribunal.
- (vi) The Registry is directed to draw the modified Award accordingly.
- (vii) The Registry is directed transmit a copy of this judgment to the concerned Tribunal, along with its records.
- (viii) No order as to costs.

Sd/-
(TARA VITASTA GANJU)
JUDGE

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List No.: 1 SL. No.: 10