



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 2536 OF 2022 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 2555 OF 2022 (MV-D)

IN MFA No. 2536/2022

BETWEEN:

1. T S LALITHA
W/O LATE MAHADEVAIAH
AGED ABOUT 62 YEARS

2. P M SUNIL
S/O LT MAHADEVAIAH
AGED ABOUT 28 YEARS

BOTH ARE RESIDING AT:
BELIGERE PALYA
KIBBANAHALLI HOBLI
TIPTUR TALUK - 572 201.

...APPELLANTS

(BY SRI. SHANTHARAJ K, ADVOCATE)

AND:

1. C K RAVI KUMAR
S/O KRISHNEGOWDA
AGED ABOUT 38 YEARS



NC: 2026:KHC:16246-DB
MFA No. 2536 of 2022
C/W MFA No. 2555 of 2022

R/AT BANDIGANAVILE VILLAGE (HOBLI)
LALKERE POST
NAGAMANGALA TALUK - 571 432.

2. UNITED INDIA INSURANCE CO. LTD.,
BY ITS MANAGER
NO. 1119/B
KAMBALI BUILDING
M.G.ROAD
ASHOKNAGAR
MANDYA - 571 401.

...RESPONDENTS

(V/O DATED 21.03.2022-SRI. JANARDHAN REDDY, ADVOCATE
IS DECIDED TO TAKE NOTICE FOR R2;
V/O DATED 05.11.2025-NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28.01.2022 PASSED IN MVC
NO.1152/2019 ON THE FILE OF THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIPTUR AND ETC.,

IN MFA NO. 2555/2022

BETWEEN:

1. T S LALITHA
W/O LATE MAHADEVIAIAH
AGED ABOUT 62 YEARS
2. B M SUNIL
W/O LATE MAHADEVIAIAH
AGED ABOUT 28 YEARS

BOTH ARE RESIDING AT
BILIGERE PALYA
KIBBANAHALLI HOBLI
TIPTUR TALUK - 572 201.

...APPELLANTS

(BY SRI. SHANTHARAJ K, ADVOCATE)



NC: 2026:KHC:16246-DB
MFA No. 2536 of 2022
C/W MFA No. 2555 of 2022

AND:

1. C K RAVIKUMAR
S/O KRISHNEGOWDA
AGED ABOUT 38 YEARS
R/AT BANDIGANAVILE VILLAGE (HOBLI)
LALKERE POST
NAGAMANGALA TALUK - 571 432.
2. UNITED INDIA INS. CO LTD.
BY ITS MANAGER
NO.1119/B KAMBALI BUILDING
M G ROAD
ASHOKANAGAR
MANDYA - 571 401.

...RESPONDENTS

(V/O DATED 23.08.2023 - SRI. JANARDHAN REDDY,
ADVOCATE IS DECIDED TO TAKE NOTICE FOR R2;
V/O DATED 23.08.2023 NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 28.01.2022 PASSED
IN MVC NO. 1151/2019 ON THE FILE OF THE V
ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIPTUR
AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These two appeals under Section 173(1) of the Motor
Vehicles Act, 1988, are by the Claimants in MVC



No.1152/2019 and MVC No.1151/2019 respectively, calling in question the Judgment and Award dated 28.01.2022 passed by the V Addl. District and Sessions Judge, Tiptur (for short 'the Tribunal').

2. The parties are referred to as per their rankings before the Tribunal.

3. In an accident occurred on 09.10.2018, one Mahadevaiah and his daughter Sowmya, succumbed to the injuries sustained in the accident. Claimants being the wife & son of Mahadevaiah and mother & brother of Sowmya, filed two separate claim petitions seeking compensation in MVC No.1151/2019 and 1152/2019 respectively. The Tribunal after considering the material evidence on record, partly allowed the claim petitions and awarded compensation to claimant No.1 and dismissed the claim in respect of claimant No.2. The claimants have filed the appeals supra on quantum of compensation.



In MFA No.2536/2022

4. Sri.Shantharaj.K., learned counsel with all vehemence submits that the Tribunal has failed to consider the income of the deceased and granted meager compensation. He submits that the deceased Sowmya was a B.A graduate with D.Ed. diploma in education. Hence, the Tribunal ought to have considered the income at Rs.20,000/- per month. Urging several contentions, counsel submits that the appeal may be allowed and the compensation awarded by the Tribunal may be enhanced.

5. Having heard the learned counsel for the appellants, perused the appeal paper as well as the Trial Court record.

6. A memo has been filed furnishing certain documents i.e., marks cards, degree certificate and diploma certificate. A perusal of the same depicts that the deceased Sowmya was a B.A graduate with D.Ed. i.e., diploma in education. Considering the fact that deceased was a degree holder and in view of the fact that accident



has occurred in the year 2018, we are of the considered opinion that, if the income is considered as Rs.20,000/- per month, it would meet the ends of justice. In view of the same, the compensation awarded by the Tribunal requires reconsideration. Accordingly, this Court proceeds to reassess the compensation as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	7,14,000-00	28,56,000-00 (20,000 + 40% $\times$ 12 $\times$ 17 $\times$ 50%)
2.	Loss of Love and affection	25,000-00	-
3.	Loss of consortium	30,000-00	80,000-00
4.	Funeral expenses, transportation of dead body, obsequies ceremony and loss of estate	25,000-00	30,000-00
5.	10% escalation (for two terms of three completed years on conventional heads)	-	22,000-00
	TOTAL	7,89,000-00	29,88,000-00

7. Accordingly, the claimant No.1 is entitled for reassessed compensation of Rs.29,88,000/-. As such, entitled for enhanced compensation of **Rs.21,99,000/-** (29,88,000 - 7,89,000) which shall carry interest at the rate of 6% from the rate of petition till realization.



In MFA No.2555/2022

8. Sri.Shantharaj.K., learned counsel with all vehemence submits that the Tribunal has failed to consider the income of the deceased and granted meager compensation. He further submits that the deceased was an agriculturist and was also doing milk vending business. Hence, the Tribunal ought to have considered the income at Rs.15,000/- per month. He also submits that the deceased was under treatment for a month after the accident and the Tribunal has not awarded any compensation under the head 'Medical expenses'. Urging several contentions, counsel submits that the appeal may be allowed and the compensation awarded by the Tribunal may be enhanced.

9. Having heard the learned counsel for the appellants, perused the appeal paper as well as the Trial Court record.

10. As could be seen from the records, immediately after the accident, the deceased Mahadevaiah was shifted



to Government Hospital, Tiptur and after giving first aid treatment, he was further shifted to People's Tree Hospital, Bengaluru for higher treatment. Later, on 10.11.2018, he succumbed to the injuries sustained in the accident while taking treatment in the hospital.

11. Before the Tribunal, the claimants have produced medical bills and got marked the same as Ex.P19 to 39. A perusal of the same reflects that the claimants have incurred total medical expenses of Rs.10,52,365/-. The Tribunal has lost sight of the fact that the deceased was under treatment for a period of a month from the date of accident and has not awarded any compensation under the head 'Medical Expenses'. Absolutely, there is no discussion on this aspect. As there is no serious dispute in cross-examination on this point, we are of the opinion that the claimants are entitled for the Medical Expenses. Furthermore, in view of the fact that the deceased was an agriculturist owning land to the total extent of 35 Acres 28 Guntas (Ex.P10 to P17) and was also doing milk vending



treatment, we are of the considered opinion that, if the income is considered as Rs.15,000/- per month, it would meet the ends of justice. Considering the age of the deceased Mahadavaiah as on the date of accident i.e., within 60 years, the claimants are also entitled for 10% future prospectus. In these circumstances, the compensation awarded by the Tribunal requires reconsideration. Accordingly, this Court proceeds to reassess the compensation which reads as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	5,04,036-00	11,88,000-00 (15,000 + 10% $\times$ 12 $\times$ 9 $\times$ 2/3)
2.	Loss of Love and affection	25,000-00	-
3.	Loss of consortium	25,000-00	80,000-00
4.	Funeral expenses, transportation of dead body, obsequies ceremony	25,000-00	30,000-00
5.	Medical expenses	-	10,52,365-00
6.	10% escalation (for two terms of three completed years on conventional heads)	-	22,000-00
	TOTAL	7,89,000-00	23,72,365-00

12. Accordingly, the claimants are entitled for re-assessed compensation of Rs.23,72,365/- rounded off to



Rs.23,72,500/-. As such, the claimants are entitled for enhanced compensation of **Rs.15,83,500/-** (23,72,500 - 7,89,000) which shall carry interest at the rate of 6% from the rate of petition till realization.

13. This Court proceeds to pass the following:

ORDER

- I. The appeal filed by the Claimants in MFA No.2536/2022 is ***allowed in part***. Claimants are entitled for enhanced compensation of **Rs.21,99,000/-** with interest @ 6% per annum from the date of petition till realization. Respondent No.2 Insurer is directed to deposit the enhanced compensation within six weeks from the receipt of certified copy of this order.
- II. The appeal filed by the Claimants in MFA No.2555/2022 is ***allowed in part***. Claimants are entitled for enhanced compensation of **Rs.15,83,500/-** with interest @ 6% per annum from the date of petition till realization.



**NC: 2026:KHC:16246-DB
MFA No. 2536 of 2022
C/W MFA No. 2555 of 2022**

Respondent No.2 Insurer is directed to deposit the re-assessed compensation within six weeks from the receipt of certified copy of this order.

III. The Tribunal upon deposit, shall release the entire amount except Rs.48,000/- in favour of claimant No.1 after due identification, in both the claim petition. Claimant No.2 is entitled for Rs.48,000/- in both the claim petition along with accrued interest supra.

IV. The trial Court record shall be transmitted forthwith to the concerned Tribunal without causing any delay.

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

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 2 Sl No.: 6