



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.1338 OF 2024(MV-D)

BETWEEN:

1. SRI. CHANDRAPPA
S/O DASAPPA,
AGED ABOUT 59 YEARS,
2. SMT. LAKSHMAMMA
W/O CHANDRAPPA,
AGED ABOUT 52 YEARS,

APPELLANT NOS.1 AND 2 ARE
R/O CHIKKA IDAGODU VILLAGE,
SORABA TALUK,
SHIVAMOGGA DISTRICT - 577 413.
3. SMT. VIDYA
W/O KOTRESHA LLIGERA,
AGED ABOUT 26 YEARS,
MARANABIDA VILLAGE,
HANAGAL TALUK,
HAVERI DISTRICT - 581 104.

...APPELLANTS

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

AND:

1. THE UNITED INDIA INSURANCE CO. LTD.,
THE DIVISIONAL OFFICE,
NO.1157/947,





RUB BUILDING,
2ND FLOOR, B H ROAD,
SHIVAMOGGA - 577 201,
REP. BY DIVISIONAL MANAGER.

2. SRI. HEGGAPPA
S/O PAKKIRAPPA,
MAJOR - AGE NOT KNOWN TO PETITIONER,
R/O SHAKUNAHALLI VILLAGE,
SORABA TALUK,
SHIVAMOGGA DISTRICT - 577 417.

...RESPONDENTS

(BY SRI. JANARDHANA REDDY, ADVOCATE FOR R1;
VIDE ORDER DATED 07.03.2024, NOTICE TO R2 DISPENSED
WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 25.03.2023 PASSED IN MVC
NO.254/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, ADDITIONAL MACT, XIII, SORABA, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.



2. The common award was passed by the Senior Civil Judge and JMFC and Additional Motor Accident Claims Tribunal, XIII, Soraba (hereinafter referred to as 'Tribunal' for short) in MVC Nos.254/2022 and 388/2022 dated 25.03.2023. The present appeal is filed against the judgment and award in MVC No.254/2022 dated 25.03.2023, seeking for enhancement of compensation.

3. Vishwanath S/o Chandrappa met with an accident on 18.01.2021 and subsequently died. His parents and sister filed a claim petition seeking compensation of Rs.92,00,000/-. The Tribunal, after considering the entire evidence on record, awarded a sum of Rs.23,45,000/- with interest at 6% per annum from the date of petition till realisation.

4. Aggrieved by the said order, the claimants have preferred this appeal, contending that Vishwantha was engaged in agriculture and milk vending business and earning Rs.25,000/- per month. However, the Tribunal erred in taking his income as Rs.15,000/-. Further, the



Tribunal granted only Rs.45,000/- towards loss of consortium and did not grant any amount under the head of love and affection to the third claimant/appellant No.3. Thus, requested for enhancement of compensation.

5. Though it is stated that Vishwanath was earning Rs.25,000/- per month, no documentary proof has been produced. As the accident occurred in the year 2021, the Tribunal has rightly considered his notional income as R.15,000/- per month. He was aged 24 years and the applicable multiplier is '18'. The appellants are entitled to an addition of 40% towards future prospects. Since the deceased was a bachelor, 50% is to be deducted towards personal expenses. Therefore, the loss of dependency works out to Rs.22,68, 000/- $[(15,000 + 40\%) \times 12 \times 18 - 50\%]$.

6. Appellant Nos.1 and 2 being the parents of the deceased are entitled to Rs.44,000/- towards filial consortium by each of them. They are also entitled to Rs.33,000/- under conventional heads.



7. Accordingly, the compensation payable is recalculated as follows:

Particulars	Amount in Rs.
Loss of dependency	22,68,000.00
Loss of parental consortium (Rs.44,000 x 2 dependency)	88,000.00
Conventional heads	33,000.00
Total	23,89,000.00

8. Thus, the appellants/claimants are entitled to total compensation of Rs.23,89,000/- as against Rs.23,45,000/- awarded by the Tribunal. The enhanced compensation therefore amounts to Rs.44,000/-. To this extent, the award passed by the Tribunal requires modification.

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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 25.03.2023 passed in MVC No.254/2022 by the Senior



Civil Judge and JMFC and Additional Motor Accident Claims Tribunal, XIII, Soraba, is hereby modified;

- iii. Insurance Company/Respondent No.1 is directed to deposit the enhanced compensation of Rs.44,000/- with interest 6% per annum from the date of petition till its realization, within one month from the date of this order.
- iv. Respondent No.2/claimant No.2 is alone permitted to withdraw the said amount.
- v. The claimants are not entitled to interest for the period of 250 days, as per order dated 06.03.2026 in I.A.No.1/2024.

**SD/-
(P SREE SUDHA)
JUDGE**

TMP
List No.: 1 Sl No.: 20