



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.3210 OF 2021(MV-D)

BETWEEN:

1. SMT. SHAIK SABIRA BEE,
W/O S.R. GAFFAR BASHA,
AGED ABOUT 60 YEARS,
2. S.R. RAZIA,
D/O S.R. GAFFAR BASHA,
AGED ABOUT 37 YEARS,
3. S. JABBAR,
S/O S.R. GAFFAR BASHA,
AGED ABOUT 35 YEARS,
4. S.R. AKHILA,
D/O S.R. GAFFAR BASHA,
AGED ABOUT 31 YEARS,
5. S.R. PEERESHA,
S/O S.R. GAFFAR BASHA,
AGED ABOUT 27 YEARS,
6. S.R. SHAHEENSHA,
D/O S.R. GAFFAR BASHA,
AGED ABOUT 25 YEARS,
7. S. RESHMA,
D/O S.R. GAFFAR BASHA,
W/O S. IBRAHIM,
AGED ABOUT 36 YEARS,

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



APPELLANTS 1 TO 6 ARE
R/AT NO.1/49/B. ,AZEEDJ STREET.
MARKET YARD, PALAMNER,
CHITTOOR DISTRICT, A.P.

APPELLANT NO.7 IS R/AT
NO. 31-1,/1A, KOTHA INDLU
PUNGANUR,
CHITTOOR DISTRICT, A.P.

...APPELLANTS

(BY SRI. GURUDEV PRASAD K T., ADVOCATE)

AND:

1. THE UNITED INDIA INSURANCE CO.LTD
REGIONAL OFFICE, 6TH FLOOR,
KRUSHI BHAVAN,
HUDSON CIRCLE,
BENGALURU - 560 001.
2. SRI. SHAIK MUJAHID BASHA,
S/O ABDUL RASHID,
R/AT NO.1/18,
MUTTUKURU VILLAGE,
AND POST,
PEDDAPANJANI MANDAL,
CHITTOOR DISTRICT,
ANDHRA PRADESH.

...RESPONDENTS

(BY SRI. JWALA KUMAR., ADVOCATE FOR R1,
NOTICE TO R2 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:05.07.2019
PASSED IN MVC NO.2087/2018 ON THE FILE OF THE XI
ADDITIONAL SMALL CAUSES JUDGE AND XXXIV ACMM, COURT
OF SMALL CAUSES, MEMBER, MACT-12, BENGALURU SCCH-12,



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 T.M.NADAF

ORAL JUDGMENT

This appeal is by the claimants under Section 173(1)
of the Motor Vehicles Act, 1988, seeking enhancement of
compensation arising out of Judgment and award dated
05.07.2019 in M.V.C No.2087/2018 passed by the XI Addl.
Small Causes and Addl. Motor Accidents Claims Tribunal,
Bangalore (SCCH-12) (for short, 'the Tribunal').

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

3. The date of accident, involvement of vehicle,
death of Mr.S.R.Gaffar Basha and liability to pay the
compensation are not in dispute. The only dispute is with
regard to quantum of compensation.



4. Heard, Sri.Gurudev Prasad.K.T., learned counsel appearing for the appellants and Sri.Jwala Kumar., learned counsel appearing for Insurer – respondent No.1. Notice to respondent No.2 is dispensed with vide order dated 07.08.2023.

5. Learned counsel Sri.Gurudev Prasad.K.T., argued on two grounds. Firstly that, the Tribunal has considered income of the deceased as Rs.9,000/- per month, which ought to have been Rs.12,500/- in view of the income fixed under the chart prepared by Karnataka State Legal Services Authority for settlement before the Lok-Adalat. Secondly that, in view of large number of children, the Tribunal ought to have considered 1/4th deduction towards personal expenses and sought to allow the appeal.

6. Sri.Jwala Kumar., though opposes for enhancement, however he is not in dispute with regard to the income fixed under the chart.



7. As per the chart, the income fixed by KSLSA for settlement before Lok-Adalat is Rs.12,500/- for the year 2018 and the same is to be considered. Considering the age of the deceased i.e., 65 years and in view of large number of dependents i.e., 7 members. Out of 7 members, some of the children are aged more than 30 years, but there are two unmarried daughters aged 35 and 29 years and sons aged 25 and 23 years. Hence, the Tribunal ought to have considered 1/4th deduction towards personal expenses. After deducting personal expenses, the loss of dependency is calculated as under:

$$12,500 \times 12 \times 7 \times \frac{3}{4} = \text{Rs.7,87,500/-}.$$

8. In view of the law laid down by the Hon'ble Apex Court in **PRANAY SETHI's** case, the claimants are also entitled for 10% escalation on the compensation awarded under conventional heads. The accident is of the year 2018, hence the claimants are entitled for 20% escalation (for two terms of three completed years on



conventional heads). 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	5,04,000-00	7,87,500-00 (12,500x12x7x3/4)
2.	Love & filial affection	1,00,000-00	2,80,000-00 (40,000x 7)
3.	Funeral expenses & Transportation	10,000-00	15,000-00
4.	Loss of estate	-	15,000-00
5.	Consortium	50,000-00	-
6.	20% escalation (for two terms of three completed years on conventional heads)	-	62,000-00
	TOTAL	6,64,000-00	11,59,500-00

9. Accordingly, the claimants are entitled for enhanced compensation of (11,59,500 – 6,64,000) **Rs.4,95,500/-** which shall carry interest at the rate of 6% from the rate of petition till realization.

10. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The appeal is ***allowed in part.***



- (ii) The Judgment and Award dated 05.07.2019 in M.V.C No.2087/2018 passed by the XI Addl. Small Causes and Addl. Motor Accidents Claims Tribunal, Bangalore (SCCH-12) is modified and the compensation is reassessed and enhanced.
- (iii) The claimants are entitled for enhanced compensation of **Rs.4,95,500/-** along with interest at the rate of 6% per annum from the date of petition till realization.
- (iv) Respondent No.1 - Insurer is shall deposit the entire enhanced compensation along with interest stated supra within six weeks from the date of receipt of certified copy of this order.
- (v) Upon deposit, the entire amount shall be disbursed as per the apportionment ordered by the Tribunal.



NC: 2026:KHC:17574
MFA No. 3210 of 2021

(vi) The trial Court record, if any secured shall be transmitted forthwith to the concerned Tribunal without causing any delay.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 4
ct-vn