



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 3117 OF 2022 (MV-D)

BETWEEN:

1. SMT. ANISA BEGUM
W/O KABIL HUSSAIN
AGED ABOUT 61 YEARS
2. SRI MUJAMMIL
S/O KABIL HUSSAIN
AGED ABOUT 39 YEARS
3. SMT NAGMA BEGAM
W/O MUJJAM HUSSAIN
AGED ABOUT 36 YEARS
4. KUMARI SANIYA BANO
D/O KABIL HUSSAIN
AGED ABOUT 28 YEARS

APPELLANTS ARE R/O
SAYYAD BAADA, AKRAWA
KANNAUJ, SAKRAWA
UTAR PRADESH-209747

...APPELLANTS

(BY SRI. RAGHU.R, ADVOCATE)

AND:

1. RELIANCE GENERAL INSURANCE CO LTD.,
REGIONAL OFFICE
NO.28, 5TH FLOOR,
CENTENARY BUILDING,
M G ROAD,
BENGALURU-560001

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by
SHARADAVANI
B
Location: High
Court of
Karnataka





REP BY ITS MANAGER

2. MR MALLAPPA TALVAR
S/O MUDUKAPPA
HALEVEERAPUR POST
HALAVEERAPUR TALUK,
VEERAPUR, HAVERI,
KARNATAKA-581210

...RESPONDENTS

(BY SRI. D.VIJAYA KUMAR, ADVOCATE FOR R1;
V/O DTD 13.03.2023, NOTICE TO R2 IS DISPENSED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.02.2022 PASSED IN MVC NO.2746/2019 ON THE FILE OF THE II ADDITIONAL JUDGE AND ACMM, COURT OF SMALL CAUSES, BENGALURU (SCCH-13), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimants being aggrieved by the judgment and award dated 08th February 2022, passed by the II Additional Judge and ACMM, Member, MACT Court of Small Causes, Bengaluru (SCCH-13), (for short 'Tribunal'), in MVC No.2746/2019, seeking enhancement of compensation.



2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. The brief facts of the case are that, on 24.01.2019, one Mohammed Tariq @ Muajjam Hussain, met with an accident due to rash and negligent driving of the car bearing registration No.KA-68-0331 at Binnamangala, Tumkur-Bengaluru highway. As a result, the said Mohammed Tariq sustained grievous injuries and while undergoing treatment, he succumbed to the injuries on 14.02.2019. The claimants being mother, sister and brother of the deceased, filed the claim petition for compensation.

4. Respondent No.1 was the insurer and respondent No.2 was the owner of the offending vehicle. Respondent No.2 was placed *ex parte* before the Tribunal. Respondent No.1 in its written statement denied the petition averments and denied its liability to pay the compensation and prayed to dismiss the claim petition.

5. From the rival contentions of the parties, the Tribunal framed necessary issues, for its determination.



6. The claimants to prove their case examined two witnesses as PW-1 and PW-2 and marked 28 documents, as per Exs.P-1 to P-28. Respondents examined two witnesses as RW-1 and RW-2 and marked documents as Exs.R-1 to R-5.

7. The Tribunal after hearing both parties and appreciating the evidence on record, held that the accident occurred due to rash and negligent driving of the offending car by its driver. The Tribunal assessing the age, income, deductions etc., awarded the following amount of compensation:

Particulars	Amount in Rs.
Loss of dependency	17,47,200/-
Loss of consortium	1,60,000/-
Loss of estate	20,000/-
Transportation of dead body, funeral and obsequies expenses	15,000/-
Medical expenses	2,93,514/-
<i>Total</i>	<i>22,35,714/-</i>
<i>Rounded off to</i>	<i>22,36,000/-</i>



8. Being dissatisfied by the amount awarded by the Tribunal, the claimants filed this appeal seeking enhancement of compensation.

9. I have heard the arguments of both sides.

10. Learned counsel for the appellants submitted that the Tribunal has taken notional income of the deceased as Rs.13,000/- per month, added 40% of his income towards future prospects, applied the multiplier as '16' and deducted 50% of income towards personal expenses since the deceased was unmarried and calculated the compensation under the head 'loss of dependency'. The main grievance of the appellants is that the Tribunal ought to have taken income as contended in the claim petition. It is fairly submitted by learned counsel for the appellants that compensation awarded under other heads are just and proper.

11. Learned counsel for respondent No.1 supported the impugned judgment and submitted that it does not call for any interference by this Court.



12. The claimants were unable to prove the income of the deceased as pleaded. Therefore, the Tribunal has taken notional income as Rs.13,000/- p.m. In comparison to the chart of notional income prepared by the Karnataka State Legal Services Authority, the amount is on the lower side. Following the chart, the notional income of the deceased is taken as ₹14,000 per month.. There is no dispute regarding the remaining factors. Therefore, the compensation for which claimants were entitled under the head loss of dependency is **Rs.18,81,600** $(14,000+40\% \times 12 \times 16 \times 50\%)$ as against Rs.17,47,200/- awarded by the Tribunal. Hence, the claimants are entitled to enhancement of Rs.1,34,114/- that is rounded of to **Rs.1,35,000/-**.

13. The claimants are entitled to interest on the enhanced amount of compensation at rate of 6% p.a. from the date of petition till its realization.

14. The Tribunal on appreciation of the materials on record held that insurer shall pay the said amount of compensation and it is at liberty to recover it from the owner of the vehicle.



15. In the result, I proceed to pass the following:

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 08th February 2022, passed in MVC.No.2746/2019, by the II Additional Judge and ACMM, Member, MACT Court of Small Causes, Bengaluru (SCCH-13), stands modified;
- iii) The claimants are entitled to enhanced compensation of Rs.1,35,000/-, with interest at the rate of 6% p.a. on the enhanced amount, from the date of petition till its realization.
- iv) The respondent No.1-Insurance Company shall deposit the amount within a period of six weeks from the date of award and it is at liberty to recover the same from the owner of the offending vehicle.
- v) Remaining portion of the award of the Tribunal is not disturbed.
- vi) The enhancement of compensation is marginal. Therefore, entire amount is ordered to be released in favour of claimants on due identification.
- vii) Draw award accordingly.



NC: 2025:KHC:43704
MFA No. 3117 of 2022

Registry is directed to send back the records along with a copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

AMA
List No.: 1 Sl No.: 35