IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.3287/2020 (MV-D)

BETWEEN:

1. SRI. CHARMARAY DESUNAGI
   S/O DOOLAPPA
   AGED ABOUT 46 YEARS.

2. SMT. BHARATHI
   W/O CHARMARAY DESUNAGI
   AGED ABOUT 40 YEARS.

3. SHIVANANDA
   S/O CHARMARAY DESUNAGI
   AGED ABOUT 20 YEARS.

4. MAHESH CHARMARAY DESUNAGI
   S/O CHARMARAY DESUNAGI
   AGED ABOUT 19 YEARS.

   ALL ARE R/OF. DEVARNAVADAGI
   SINDAGI TALUK
   VIJAYAPURA DISTRICT-586 206.

...APPELLANTS

(BY SRI. R. LAKSHMANA, ADV.,)

AND:

1. M/S. UNITED INDIA INSURANCE CO LTD
   BY ITS MANAGER
   REGIONAL OFFICE, T. P. HUB
   6TH FLOOR, KRUSHIBHAVANA

HUDSON CIRCLE
NRUPATHUNGA ROAD
BANGALORE-560 009.

2. SRI. GIREESH Y.S.
S/O LATE SOMESH
NO. 60, KSRTC LAYOUT
7TH CROSS, HEROHALLI
MAHADESHWARANAGAR
BANGALORE-560 091.

3. M/S. NATIONAL INSURANCE CO. LTD.,
BY ITS REGIONAL MANAGER
NO.144, 2ND FLOOR
SHUBHARAM COMPLEX
M.G. ROAD, BANGALORE-560 001.

4. SRI. RAMASAMY
S/O CHINNAPPAN
R/OF NO. 166/5
BHARATHIYAR STREET
4TH CROSS, VADIVEL NAGAR
KARUR, TAMILNADU-639 002.

...RESPONDENTS

(BY SRI. B.A. RAMAKRISHNA, ADV., FOR R1
V/O/DTD:10.11.22, NOTICE TO R2, R3 & R4 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.21.08.2019 PASSED IN MVC NO.2955/2017 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE, MACT, BENGALURU (SCCH-11), 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 VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the claimants seeking enhancement of compensation being aggrieved by the judgment and award dated 21.08.2019 passed in MVC No.2955/2017 on the file of the I Additional Small Causes Judge & MACT, Bangalore, (for short, 'Tribunal').

2. Though this appeal is listed for admission, with the consent of the learned counsel for the parties, it is taken up for final disposal.

3. Sri.R.Lakshmana, learned counsel for the appellants-claimants submits that the Tribunal has erred in assessing the income of the deceased at Rs.10,288/- per month. He submits that as per the notional income chart prepared by KSLSA, the income is required to be re-assessed at Rs.11,000/- per month. It is further submitted that the claimants are also entitled to consortium at the rate of Rs.40,000/- each, as the claimants are the mother

and dependent siblings of the deceased. Hence, he seeks to allow the appeal.

4. Per contra, Sri.B.A.Ramakrishna, learned counsel for the respondent No.1-Insurance Company supports the impugned judgment and award of the Tribunal and submits that the Tribunal considered the evidence produced by the claimants and considering the salary slip, the income of the deceased assessed at Rs.10,288/- per month, hence, no fault can be found with the said finding. It is submitted that the award of compensation by the Tribunal under all other heads is just and fair. Hence, he seeks to dismiss the appeal.

5. I have heard the arguments of the learned counsel appearing on both the sides and meticulously perused the material available on record including the Tribunal records.

6. It is not in dispute between the parties that in a road accident that occurred on 07.05.2017, one

Manjunatha Desunagi sustained grevious injuries and succumbed to those injuries. In order to substantiate the claim, the claimants adduced oral as well as documentary evidence. The Tribunal, on appreciation of the evidence, awarded total compensation of Rs.15,85,632/- with interest at the rate of 9% per annum from the date of petition till the date of realization. It is averred that the deceased was working as an Electrical Engineer and was earning Rs.15,000/- per month and in order to prove the same, the claimants have produced the appointment order as per Ex.P37, pay slips as per Exs.P38 and P39 and attendance slip as per Ex.P40. Considering the said evidence Tribunal assessed the income of the deceased at Rs.10,288/- per month. It is to be noticed that now the appellants-claimants are seeking to re-assess the income as per the notional income chart prepared by Karnataka State Legal Services Authority ('KSLSA'). The KSLSA considering the minimum wages paid to the unskilled labour and unskilled workmen and taking note of the cost of living, prepared a notional income chart for the particular years and as per the said chart the income for the accident occurred in the year 2017, the income is assessed at Rs.11,000/- per month. Hence, in my considered view it would be appropriate to re-assess the income of the deceased at Rs11,000/- per month. The deceased was aged about 22 years as on the date of accident, hence, there should be an addition of 40% of the assessed income towards loss of future prospects. Thus, The loss of dependency is re-assessed as under:

Rs.11,000 + 40% x 12 x 18 x 50% = ***Rs.16,63,200/-.***

7. The claimants being the parents and siblings of the deceased Manjunatha Desunagi are entitled to the compensation under the head of loss of consortium at **Rs.44,000/- each** including 10% escalation. The appellants-claimants would be entitled to a sum of **Rs.16,500/-** under the head of 'loss of estate' and **Rs.16,500/-** under the head of 'funeral expenses & transportation of dead body' both including 10%

escalation. Thus, in all, the appellants-claimants shall be entitled to modified compensation under the following heads:

HEADS	AMOUNT (in Rs.)
Loss of estate	16,500
Funeral expenses and transportation of dead body	16,500
Loss of consortium (Rs.44,000 x 4)	1,76,000
Loss of dependency	16,63,200
Total	**18,72,200**

Thus, the claimants shall be entitled to a total compensation of ***Rs.*18,72,200/-** as against Rs.15,85,632/- awarded by the Tribunal.

8. In the result, this Court proceeds to pass the following:

ORDER

a) Appeal is ***allowed in part***.

b) The impugned judgment and award of the Tribunal is modified to an extent that the claimants would be entitled to total compensation of ***Rs.*18,72,200/-** as against Rs.15,85,632/- awarded by the Tribunal.

c) The compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment.

d) The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.

e) The apportionment, deposit and disbursement shall be made as per award of the Tribunal.

f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 15