



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.7278/2018 (MV-D)

BETWEEN:

1. MR. M. DHARNAPPA
S/O THUKRA POOJARY
AGED ABOUT 53 YEARS
RESIDING AT NO.15-220/C
GANDODI HOUSE, B. MOODA VILLAGE
MODANKAP, BANTWAL, D.K.-575001.
2. MR. DOMBAYYA POOJARY
S/O THUKRA POOJARY
AGED ABOUT 45 YEARS
RESIDING AT D.NO.11-277
KAIKUNJE HOUSE
B-MOODA, BANTWAL D.K.
R/AT SILVER GATE
KULSHEKAR, MANGALORE-575001.

...APPELLANTS

(BY SRI. KARTHIK P.M. ADV.,)

AND:

THE DIVISIONAL CONTROLLER
KSRTC, MANGALORE
D.K.-575001.

...RESPONDENT

(BY SRI. D. VIJAYAKUMAR, ADV.,)





THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:15.02.2018 PASSED IN MVC NO.40/2017 ON THE FILE OF THE 4TH ADDITIONAL DISTRICT JUDGE, MEMBER, MACT, DAKSHINA KANNAD, MANGALORE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, 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 for higher compensation challenging the judgment and award dated 15.02.2018 passed in M.V.C.No.40/2017 by the IV Additional District Judge and Member, Motor Accident Claims Tribunal, Mangalore (for short, 'the 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.Karthik P.M., learned counsel appearing for the appellants submits that the Tribunal has erred in not awarding any compensation under the head of loss of dependency and the compensation awarded on all the



other heads is also on the lower side. Hence, he seeks to allow the appeal.

4. *Per contra*, Sri.D.Vijayakumar, learned counsel appearing for the respondent supports the impugned judgment and award and submits that PW-1, in his evidence has clearly admitted that the deceased was residing separately and both the claimants are residing separately and have their own independent income. Considering the said aspect, the Tribunal has declined to grant any compensation under the head of loss of dependency and has awarded the total compensation of Rs.50,000/- which needs no interference. Hence, he seeks to dismiss the appeal.

5. I have heard the learned counsel for the appellants, the learned counsel for the respondent and perused the material available on record.

6. It is not in dispute that in a road accident that occurred on 10.10.2016, the deceased Venkappa Poojary



HC-KAR



sustained grievous injuries and succumbed to the same and a claim petition was filed by the brothers of the deceased. The evidence of PW-1 clearly indicates that the deceased was a bachelor and was residing separately and the claimants had their own independent income. Considering the said aspect, the Tribunal has not awarded any compensation under the head loss of dependency. In my considered view, the said finding is in consonance with the facts and the evidence on record which does not call for any interference. However, the claimants being the brothers are entitled to the compensation under the head of loss of consortium at the rate of Rs.40,000/- each with 10% escalation i.e. Rs.44,000/- each which would be Rs.88,000/-, the compensation towards loss of estate at Rs.15,000/- with 10% escalation i.e. Rs.16,500/- and the compensation towards transportation of dead body and funeral expenses at Rs.15,000/- with 10% escalation i.e. Rs.16,500/-. Thus, the total compensation awarded by the Tribunal is re-assessed as under:



HEADS	AMOUNT (in Rs.)
Loss of consortium	88,000
Loss of love and affection	25,000
Transportation of dead body and funeral expenses	16,500
Loss of estate	16,500
Total	1,46,000

7. Accordingly, I proceed to pass the following:

ORDER

- a) The appeal is ***allowed-in-part***.
- b) The impugned judgment and award dated 15.02.2018 passed in M.V.C.No.40/2017 by the Tribunal is modified to an extent that the appellants-claimants would be entitled to the total compensation of **Rs.1,46,000/-** as against Rs.50,000/- awarded by the Tribunal. The impugned judgment and award insofar as the other findings are concerned, are upheld.
- c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.



- d) The respondent-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 the certified copy of this judgment.
- e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 SI No.: 27