



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.3265 OF 2021(MV-D)

BETWEEN:

1. GANGARUDRAMMA,
W/O LATE. LAKSHMAIAH,
NOW AGED ABOUT 53 YEARS,
2. LAKSHMI,
W/O JAGADISH,
NOW AGED ABOUT 36 YEARS,
3. CHANNAIAH,
S/O LATE. LAKSHMAIAH,
NOW AGED ABOUT 34 YEARS,
4. KEMPAMMA,
W/O SHIVAKUMAR,
NOW AGED ABOUT 27 YEARS,



ALL ARE RESIDING AT:
VEERASAGARA,
BARAGENHALLI POST,
SOMPURA HOBLI,
NELAMANGALA TALUK,
BENGALORE RURAL DISTRICT.

...APPELLANTS

(BY SRI. RANGEGOWDA N R., ADVOCATE)



AND:

1. SHRIMANT MAHADEV KUMBHAR,
S/O MAHADEV CHANNAPPA KUMBHAR,
AGED MAJOR,
NO.6155/2-7, NEAR MARUTHI LAYOUT,
M.G.ROAD, GAJARIYA LAYOUT,
NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT - 562 123.
2. THE MANAGER,
RELIANCE GENERAL INS CO LTD
NO.26, CENTENARY BUILDING,
M.G.ROAD, BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. ASHOK N PATIL, ADVOCATE FOR R2,
NOTICE TO R1 DIESPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:05.01.2021
PASSED IN MVC NO.3076/2019 ON THE FILE OF THE I
ADDITIONAL SMALL CAUSES JUDGE AND 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 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 05.01.2021 in M.V.C No.3076/2019 passed by the I Addl. Small Causes and Motor Accidents Claims Tribunal, Bangalore (SCCH-11) (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.Lakshmaiah and liability to pay the compensation are not in dispute. The only dispute is with regard to quantum of compensation.

4. Heard, Sri.Range Gowda.N.R., learned counsel appearing for the appellants and Sri.Ashok N.Patil., learned counsel appearing for Insurer – respondent No.2. Notice to respondent No.1 is dispensed with.



5. Learned counsel Sri.Range Gowda.N.R., argued on two grounds. Firstly that, the Tribunal has considered income of the deceased as Rs.9,500/- per month, which ought to have been Rs.14,000/- in view of the income fixed under the chart prepared by Karnataka State Legal Services Authority for settlement before the Lok-Adalat. Secondly that, the Tribunal has not considered for awarding filial consortium for all the claimants and 10% escalation on the compensation awarded under conventional heads.

6. Sri.Ashok N.Patil., though opposes for enhancement, however he is not in dispute with regard to the income fixed under the chart stated supra and filial consortium as well as 10% escalation.

7. As per the chart, the income fixed by Karnataka State Legal Services Authority for settlement before Lok-Adalat for the year 2019 is Rs.14,000/- and the same is to be considered. Furthermore, in view of the law laid down



by the Hon'ble Apex Court in **SARALA VERMA's** case, 1/3rd is to be deducted towards personal expenses. The claimants are also entitled for 10% escalation on the compensation awarded under conventional heads. The accident is of the year 2019, hence the claimant is 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	9,19,644-00	13,55,200-00 (14,000+10%x12x11x2/3)
2.	Loss of estate	15,000-00	15,000-00
3.	Loss of consortium	80,000-00	1,60,000-00 (40,000 X 4)
4.	For funeral expenses	15,000-00	15,000-00
5.	For filial consortium	80,000-00	-
6.	20% escalation (for two terms of three completed years on conventional heads)	-	38,000-00
	TOTAL	10,69,644-00	15,83,200-00

8. Accordingly, the claimants are entitled for enhanced compensation of (15,83,200 – 10,69,644) Rs.5,13,556/-, rounded off to **Rs.5,14,000/-** which shall



carry interest at the rate of 6% from the date of petition till realization.

9. 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 05.01.2021 in M.V.C No.3076/2019 passed by the I Addl. Small Causes and Motor Accidents Claims Tribunal, Bangalore (SCCH-11) is modified and the compensation is reassessed and enhanced.
- (iii) The claimants are entitled for enhanced compensation of **Rs.5,14,000/-** along with interest at the rate of 6% per annum from the date of petition till realization.
- (iv) Respondent No.2 - 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.
- (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.: 5
ct-vn