



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.3893 OF 2021(MV-D)

BETWEEN:

1. GIRIJA,
W/O LATE G BABU NAIK,
AGED ABOUT 48 YEARS,
2. SHRUTHI,
D/O LATE G BABU NAIK,
AGED ABOUT 26 YEARS,
3. SWATHI,
D/O LATE G BABU NAIK,
AGED ABOUT 26 YEARS,
4. DHANUSH,
S/O LATE G BABU NAIK,
AGED ABOUT 19 YEARS,

ALL ARE R/AT:
MANJI MANE,
THEKKATTE VILLAGE,
KUNDAPURA TALUK – 576 201.

...APPELLANTS

(BY SRI. K. PRASANNA SHETTY., ADVOCATE)

AND:

1. PRIYANKA,
AGED ABOUT 34 YEARS,
W/O DEVI PRASAD,
R/AT H NO.4-5,
NANDANAPURA,





KAVOORU POST,
MANGALORE – 575 015.

2. UNIVERSAL SOMPO GENERAL
INSURANCE CO LTD.,
CITY TRADE CENTRE,
1ST FLOOR, OPP: CITY HOSPITAL,
KADRI,
MANGALORE – 575 002.
REP BY ITS MANAGER.

3. BACHCHI MOGERTHI,
MAJOR, W/O PUTTA MOGAVEERA,
R/AT KAVERI NILAYA,
GUDAR HAKLU, KARKI,
GULVADI VILLAGE AND POST,
KUNDAPURA TALUK – 576 201.

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI, ADVOCATE FOR R2,
MS. NAYANASHREE A.K., ADVOCATE FOR R3,
NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:16.08.2018
PASSED IN MVC NO. 777/2017 ON THE FILE OF THE
ADDITIONAL DISTRICT JUDGE AND ADDITIONAL MACT, UDUPI
(SITTING AT KUNDAPURA), KUNDAPURA,
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 16.08.2018 in M.V.C No.777/2017 passed by the Addl. District Judge and Addl. Motor Accidents Claims Tribunal, Udupi (Sitting at Kundaupra), Kundapura (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.G.Babu Naik and liability to pay the compensation are not in dispute. The only dispute is with regard to enhancement of compensation that too, with limited prayer of compensation under filial consortium.

4. Heard, Sri.Mohammed Anfal., learned counsel appearing for Sri.K.Prasanna Shetty., learned counsel for the appellants, Sri.Ravi S.Samprathi., learned counsel



appearing for the Insurer – respondent No.2. Notice to respondent No.1 is dispensed with.

5. At this stage, counsel Ms.Nayanashree.A.K., submits that she has received vakalath for respondent No.3 who is served and unrepresented and she may be permitted to file vakalath.

6. The only point argued by Mr.Mohammed Anfal., is that the Tribunal has not considered awarding compensation under the head 'Filial consortium' to other three claimants, viz., Claimant Nos.3 & 4 and respondent No.3 who are daughters and mother of the deceased.

7. Sri.Ravi S.Samprathi., though opposes the contention of learned counsel for the appellants, but he is not in dispute with regard to awarding Filial Consortium to all the dependents, who are children and mother of the deceased.

8. Considering the rival submissions, perused the Judgment and award passed by the Tribunal.



9. The Tribunal though awarded compensation of Rs.40,000/- each under the head 'loss of love and affection' and 'loss of consortium', but only in respect of two claimants. Admittedly, the deceased survived by five dependents. Hence, all the dependents are entitled for the compensation under the head 'Filial Consortium'. Accordingly, the Judgment passed by the Tribunal is modified and the compensation under the head 'Filial Consortium' is to be paid to all the claimants, which would come to Rs.2,00,000/- (40,000 X 5). The enhanced compensation would be **Rs.1,20,000/-** (2,00,000 - 80,000), which shall carry interest @ 6% per annum from the date of petition till realization.

10. The Insurer – respondent No.2 shall deposit the entire enhanced compensation of Rs.1,20,000/- with interest stated supra, within six weeks from the receipt of certified copy of this order. After deposit, the amount shall be disbursed in terms of the apportionment as ordered by the Tribunal.



11. With the above observation, the appeal is ***allowed.***

12. Counsel Sri.Ravi S.Samprathi., and Ms.Nayanashree.A.K., are permitted to file vakalath within two weeks from today.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 SI No.: 7
ct-vn