



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.2929 OF 2021(MV-D)

BETWEEN:

SMT. MEENAKSHI,
W/O LATE MAHADEVA,
AGED ABOUT 50 YEARS,
R/O TORENOOR VILLAGE AND POST,
KUSHALNAGARA HOBLI,
SOMWARPETE TALUK – 571 232.

...APPELLANT

(BY SRI. SUMA K., ADVOCATE)

AND:

1. RAMALINGAPPA SARIKOL,
S/O KALLAPPA, MAJOR,
R/O SURKOD VILLAGE AND POST,
NARAGUND TALUK,
GADAG DISTRICT – 582 205.

2. UNITED INDIA INSURANCE
COMPANY LIMITED.,
DIVISIONAL OFFICE,
TP HUB, BALLAL CIRCLE,
CHAMARAJAPURAM,
MYSURU – 570 005.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2,
R1 SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:04.03.2021





PASSED IN MVC NO.760/2018 ON THE FILE OF THE PRL. JUDGE, COURT OF SMALL CAUSES AS A PRESIDING OFFICER, MACT, MYSURU, 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 claimant under Section 173(1) of the Motor Vehicles Act, 1988, seeking enhancement of compensation arising out of Judgment and award dated 04.03.2021 in M.V.C No.760/2018 passed by the Prl. Judge, Court of Small causes, Motor Accidents Claims Tribunal, Mysuru (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.T.M.Rakshith and liability to pay the compensation are not in dispute. The only dispute is with regard to quantum of compensation.



4. Heard, Ms.Suma.K., learned counsel appearing for the appellant and Sri.S.G.Hegde Mulkhand., learned counsel appearing for Insurer – respondent No.2. Though Respondent No.1 is served, remained unrepresented.

5. The only point that is urged before this Court for enhancement is that the income has been considered at Rs.7,000/- by the Tribunal, which ought to have been Rs.12,500/- in view of the income fixed under the chart prepared by Karnataka State Legal Services Authority for settlement before the Lok-Adalat and sought to allow the appeal.

6. Sri.S.V.Hegde Mulkhand., though opposed on enhancement, however he has no dispute regarding the income fixed under the chart.

7. As per the chart, the income fixed by KSLSA for settlement before Lok-Adalat is Rs.12,500/- for the year 2018 and the same is considered in this case. The Tribunal has added 40% future prospectus, accordingly 40% to be to Rs.12,500/-. Since the deceased was bachelor, 50% is



required to be deducted towards personal expenses. After deducting personal expenses, the loss of dependency is calculated as under:

$$12,500 + 40\% \times 12 \times 18 \times 50\% = \text{Rs.18,90,000/-}.$$

8. In view of the law laid down by the Hon'ble Apex Court in **PRANAY SETHI's** case, the claimant is also entitled for 10% escalation on the compensation awarded under conventional heads. The accident is of the year 2018, 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	10,58,500-00	18,90,000-00 (12,500+40%×12×18×50%)
2.	Loss of consortium	40,000-00	40,000-00
3.	Towards estate	15,000-00	15,000-00
4.	Towards transportation and funeral expenses	25,000-00	15,000-00
5.	20% escalation (for two terms of three completed years on conventional heads)	-	14,000-00
	TOTAL	11,38,500-00	19,74,000-00



9. Accordingly, the claimant is entitled for enhanced compensation of (19,74,000 – 11,38,500) **Rs.8,35,500/-** which shall carry interest at the rate of 6% from the date of petition till realization.

10. 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 04.03.2021 in M.V.C No.760/2018 passed by the Prl. Judge, Court of Small causes, Motor Accidents Claims Tribunal, Mysuru is modified and the compensation is reassessed and enhanced.
- (iii) The claimant is entitled for enhanced compensation of **Rs.8,35,500/-** 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 released in favor of the claimant after due identification.
- (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 SI No.: 3
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