HC-KAR

NC: 2026:KHC:11643
MFA No. 4437 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.4437 OF 2021(MV-D)

BETWEEN:

1. ROOPA
   W/O LATE CHANDRASHEKAR,
   AGED ABOUT 38 YEARS

2. LAKSHMI
   D/O LATE CHANDRASHEKAR,
   AGED ABOUT 12 YEARS,

3. SAGAR S/O LATE CHANDRASHEKAR,
   AGED ABOUT 10 YEARS,

   PETITIONER NO.2 AND 3 BEING MINORS
   REP. BY MOTHER 1ST PETITIONER

4. THIMMEGOWDA
   S/O LATE THIRUMALEGOWDA,
   AGED ABOUT 73 YEARS,

5. LAKSHMAMMA
   W/O THIMMEGOWDA
   AGED ABOUT 63 YEARS

   ALL ARE RESIDING AT:
   SANKANAHALLI VILLAGE,
   KASABA HOBLI,
   HOLENARASIPURA TALUK,
   HASSAN DISTRICT.

...APPELLANTS

(BY SRI. SHRIPAD V. SHASTRI, ADVOCATE (VC))

AND:

1. SIDDA,
   S/O MARASIDDAIAH,
   NO. 587, HANCHAIAH ROAD,
   RAMANAHALLI,
   MYSURU - 570 010.

2. THE MANAGER,
   THE NEW INDIA ASSURANCE CO. LTD.,
   3RD CROSS, R.P. ROAD, NANJANAGUD,
   REPRESENTED BY CHANDANA COMPLEX,
   HARSHA MAHAL ROAD,
   HASSAN.

...RESPONDENTS

(BY SRI. BHUVAN, ADVOCATE FOR
SRI. B.C. SEETHARAMA RAO, ADVOCATE AND
SRI. ANUP SEETHARAMA RAO, ADVOCATE FOR R2;
V/C/O DATED 19.12.2025,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA FILED U/S. 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 30.03.2019 PASSED IN MVC NO.1353/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C., M.A.C.T, HOLENARASIPURA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR DICTATING JUDGMENT, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal, Holenarasipura in MVC No.1353/2017 dated 30.03.2019. Claimants therein preferred this appeal.

2. Sri.Shripad.V.Shastri, learned counsel for the appellants as well as Sri.Bhuvan who represented Sri.B.C.Seetharama Rao, learned counsel on record for respondent No.2 were heard.

3. First appellant being the wife, appellants Nos.2 and 3 being the minor children, appellant No.4 being the father and appellant No.5 being the mother of the deceased Chandrashekar (hereinafter be referred to as the 'deceased' for brevity) who died in a road traffic accident that occurred in the year 2016 filed a petition claiming compensation of Rs.80,00,000/- in total. The Tribunal through the impugned order held that appellants are entitled to a sum of Rs.44,89,152/- as compensation. The

version of the appellants is that they are entitled to a higher sum.

4. Making his submission on the merits of the matter, learned counsel for the appellants submitted that the deceased was earning more than Rs.30,000/- per month by the date of accident. The Tribunal without considering the income of the deceased properly, came to a conclusion that the earnings of the deceased as on the date of accident were Rs.20,228/- only. Learned counsel also submitted that the compensation granted under all heads is on lower side.

5. Per contra learned counsel who represented respondent No.2 stated that justifiable sum is awarded as compensation by the Tribunal and therefore, appeal is not maintainable.

6. The appellants by all the evidence produced established that the deceased was working as driver in Karnataka State Road Transport Corporation (KSRTC).

Accident occurred in the month of December, 2016. Salary slip produced by the appellants for the month of November 2016 which is marked as Ex.P12 reveals that the gross pay of the deceased was Rs.30,808/-. From and out of the said amount a sum of Rs.200/- is required to be deducted towards professional tax and Rs.35/- which the deceased was receiving for washing. Thus pay of the deceased comes to Rs.30,573/-. Though learned counsel for respondent No.2 states that overtime allowance should not be taken into consideration, yet this Court is of the view that as the deceased was capable to work overtime, he was paid and therefore, no deduction can be made. Thus for the purpose of calculating the amount which the appellants are entitled to receive towards loss of dependency, the income of the deceased as on the date of his death is taken as Rs.30,573/-. On taking the income of the deceased as Rs.30,573/- and without disturbing other parameters i.e., adding 50% towards future prospects, deducting 1/4th of the earnings which the deceased would have incurred for himself had he been alive and applying appropriate multiplier '16', the compensation which the appellants are entitled to receive towards loss of dependency is as under:

Monthly income	Rs.30,573/-
Annual income	Rs.3,66,876/-
On adding 50% towards future prospects	Rs.5,50,314/-
On deducting 1/4th towards personal and living expenses	Rs.4,12,735.50/-
Loss of dependency, on applying appropriate multiplier 16	Rs.66,03,768/-

7. The Tribunal held that appellants are entitled to a sum of Rs.43,69,152/- towards loss of dependency. However, the aforementioned discussion makes it clear that they are entitled to a sum of Rs.66,03,768/- towards loss of dependency. Also, the first appellant being the wife of the deceased is entitled to Rs.40,000/- towards loss of spousal consortium. Appellant Nos.2 and 3 being the

children of the deceased are entitled to Rs.40,000/- each totaling Rs.80,000/- towards loss of parental consortium. Appellant Nos.4 and 5 being the parents of the deceased are entitled to Rs.40,000/- each totaling Rs.80,000/- towards loss of filial consortium. Together with the said amount appellants are entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate. Thus total compensation which the appellants are entitled to receive under each head is as under:

Sl. No	**Description**	**Amount**
1	Loss of dependency	Rs.66,03,768
2	Loss of spousal consortium	Rs.40,000
3	Loss of parental consortium	Rs.80,000
4	Loss of filial consortium	Rs.80,000
5	Funeral expenses	Rs.15,000
6	Loss of estate	Rs.15,000
Total		**Rs.68,33,768**

8. Thus it is clear that appellants are entitled to a sum of Rs.68,33,768/- as compensation. Therefore, appeal is disposed of with the following:

ORDER

(i) The appeal is *allowed in part*.

(ii) The compensation that is granted by the Motor Accident Claims Tribunal, Holenarasipura through orders in MVC No.1353/2017 dated 30.03.2019 is enhanced from Rs.44,89,152/- to Rs.68,33,768/-.

(iii) The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit except for the period of delay of 261 days as per orders on I.A.No.1/2020.

(iv) Respondent No.2 is directed to deposit the enhanced sum within a period of 8(eight) weeks from the date of receipt of certified copy of this judgment.

(v) The apportionment made by the Tribunal applies to enhanced sum as well.

(vi) On deposit, appellant Nos.1, 4 and 5 are permitted to withdraw their respective shares.

(vii) Amount that falls to the share of appellant Nos.2 and 3 along with their share of interest shall be kept in any interest yielding fixed deposit scheme of any nationalized bank till they attain the age of majority.

(viii) On they attaining the age of majority, they are permitted to withdraw their respective shares.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 Sl No.: 18