



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 5191 OF 2014 (MV-D)

BETWEEN:

1. SMT. LAKSHMI
W/O LATE SHIVANNA
AGED ABOUT 28 YEARS
2. SRI M S AMRUTHA
D/O LATE SHIVANNA
AGED ABOUT 12 YEARS
3. SRI M S ARJUN
S/O LATE SHIVANNA
AGED ABOUT 10 YEARS

PETITIONERS NO. 2 AND 3 ARE MINOR
R/P BY THEIR NATURAL GUARDIAN MOTHER
SMT LAKSHMI

4. SMT KEMPAMMA
W/O SRI UNTHURIAIAH
AGED ABOUT 52 YEARS
5. SRI UNTHURIAIAH
S/O LATE CHIKKAHYDAIAH
AGED ABOUT 60 YEARS

ALL ARE RESIDENTS OF MADARAHALLI VILLAGE
C A KERE HOBLI, MADDUR TALUK
MANDYA DISTRICT-561124

...APPELLANTS

(BY SRI. VIDYA SAGAR. H.V., ADVOCATE FOR
SRI. KEMPARAJU., ADVOCATE)





AND:

1. SMT. SUNANDAMMA
W/O SRI RAJANNA
R/AT THOREBOMMANAHALLI VILLAGE
C A KERE HOBLI
MADDUR TALUK
MANDYA DISTRICT-561024
2. THE MANAGER (LEGAL)
BAJAJ ALLIANZ GENERAL INSURANCE CO LTD
NO. 363, SHRI HARI COMPLEX
SEETHE VILAS ROAD
MYSORE-56342
3. SHRIRAM TRANSPORT FINANCE CO. LTD.,
NO. 133, 2ND FLOOR
SHIKA TOWERS,
RAMAVILAS ROAD
MYSORE-560024

...RESPONDENTS

(V/O/D 2.9.2025 APPEAL AGAINST R1 STANDS ABATED;
BY SRI. B PRADEEP., ADVOCATE FOR R2;
SRI. M. ASHOK KUMAR., ADVOCATE FOR R3)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 23.04.2014 PASSED IN MVC
NO.99/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE, & MACT,
MADDUR, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

1. The present appeal is filed by the claimants
impugning the judgment and award dated 23.4.2014
passed in MVC No.99/2011 by the Senior Civil Judge &



MACT, Maddur¹ seeking for enhancement of the quantum of compensation.

2. The Tribunal has partly allowed the claim petition and awarded a total compensation of ₹ 7,75,000/- together with interest at 6% per annum. The Tribunal has ordered that respondent No.1-owner of the vehicle is liable to pay the compensation awarded.

3. Respondent no.2 in the claim petition has been struck off and the claim petition against respondent no.3 has been dismissed. The appellants/claimants have not impugned the findings of the Tribunal on negligence and liability. Hence, the only question that is required to be adjudicated in the present appeal is the adequacy of the quantum of compensation.

4. The deceased was aged 32 years as on the date of accident i.e., as on 04.10.2010. The appropriate multiplier assessed by the Tribunal is 16, which is just and

¹ Hereinafter referred to as 'Tribunal'



proper. The Tribunal has assessed the income of the deceased as ₹ 5,000/- per month. Learned counsel for the appellants submits that the deceased was an agriculturalist and owning more than 5 acres of land and the record of rights have been produced. However, there is no material on record to indicate the income that is earned from the land owned by the deceased so as to assess the loss of supervision charges. Having regard to the date of the accident, the notional income of the deceased is reassessed as ₹ 5,500/- per month.

5. Future prospects at 40% of the notional income is required to be added having regard to the judgment of the Supreme Court in the case of ***National Insurance Company Ltd v. Pranay Sethi***². Having regard to the number of dependants, 1/4th is to be deducted towards personal expenses.

² (2017) 16 SCC 680



6. Accordingly, the loss of dependency is reassessed as $(₹5,500 + 40\% - 1/4 \times 12 \times 16)$ ₹ 11,08,800/- as against ₹ 7,20,000 awarded by the Tribunal.

7. Claimant No.1 is the wife of the deceased, claimants No.2 and 3 are their children. Claimants No.4 and 5 are the parents of the deceased. Hence all the claimants are entitled to loss of consortium in terms of judgment of the Supreme Court in the case of ***Magma General Insurance Co., Ltd., v. Nanu Ram***³ and accordingly, a sum of $(40,000 \times 5)$ ₹ 2,00,000/- is to be awarded towards the same as against ₹ 10,000/- awarded by the Tribunal.

8. A sum of ₹ 15,000/- each is to be awarded towards funeral expenses and loss of estate. The compensation awarded by the Tribunal on other conventional heads is accordingly modified.

³ (2018) 18 SCC 130



9. Accordingly, the award of compensation by the Tribunal is reassessed as under:

Sl.No.	Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1	Loss of dependency	720000.00	1108800.00
2	Loss of estate	15000.00	15000.00
3	Loss of love and affection	15000.00	0.00
4	Funeral expenses	15000.00	15000.00
5	Loss of consortium	10000.00	200000.00
	Total	7,75,000.00	13,38,800.00

10. In view of the above, the claimants are entitled to enhanced compensation of (₹13,38,800/- - ₹7,75,000/-) ₹ 5,63,800/-.

11. In view of the aforementioned, the following:

ORDER

- i) The appeal is partly allowed;
- ii) The judgment and award of the Tribunal is modified to the extent of holding that the claimants are entitled to a further



compensation of ₹ 5,63,800/- together with interest at 6% per annum from the date of petition till the date of payment, in addition to the compensation awarded by the Tribunal;

- iii) The judgment and award of Tribunal in all other respects remained unaltered;
- iv) The modified award to be drawn accordingly.

No costs.

Sd/-
(C.M. POONACHA)
JUDGE