



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. 4 OF 2013 (MV)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5896 OF 2012(MV)

IN MFA No. 4/2013
BETWEEN:

1. KUM ANJALI R.
AGED ABOUT 12 YEARS,
D/O LATE RAVI,
2. MASTER ABHISHEK R
AGED ABOUT 9 YEARS,
S/O LATE RAVI,

BOTH ARE MINORS REP BY THEIR GUARDIAN,
SMT. RUIKYA,
MATERNAL GRAND MOTHER
W/O. G. VENKATESHULU
RESIDING AT NO.773, OLD POST OFFICE ROAD,
SOUTH, ANDERSONPET, K.G.F

...APPELLANTS

(BY SRI. C M VENKATA REDDY., ADVOCATE)

AND:

THE COMMISSIONER
KGF CITY MUNICIPAL COUNCIL,
ROBERTSONPET,
K.G.F-563103.

...RESPONDENT

(BY SRI. AKERSH B.R., ADVOCATE FOR
SMT. VEENA KUMARI. M., ADVOCATE)





NC: 2026:KHC:17494
MFA No. 4 of 2013
C/W MFA No. 5896 of 2012

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.2.2012 PASSED IN MVC NO.22/2009 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, MACT, K.G.F, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 5896/2012
BETWEEN:

THE COMMISSIONER
CITY MUNICIPAL COUNCIL, KGF
ROBERTSONPET, KGF-563122.

...APPELLANT

(BY SRI. AKERSH B.R., ADVOCATE FOR
SMT. VEENA KUMARI. M., ADVOCATE)

AND:

1. KUM ANJALI R
D/O DECEASED RAVI
AGED ABOUT 12 YEARS
STUDYING IN 5TH STANDARD

2. MASTER ABHISHEK R
S/O DECEASED RAVI
AGED ABOUT 6 YEARS
STUDYING IN 2ND STANDARD

BOTH ARE MINORS
REP BY THEIR GRAND MOTHER
FATHEMMA THE 3RD PETITIONER

3. SMT FATHEMMA
AGED ABOUT 55 YEARS
W/O LATE BAIAYYA
MOTHER OF DECEASED RAVI

ALL ARE PERMANENTLY R/AT NO 774
OLD POST OFFICE ROAD
ANDHRA LINE, ANDERSONPET, KGF

...RESPONDENTS



NC: 2026:KHC:17494
MFA No. 4 of 2013
C/W MFA No. 5896 of 2012

(BY SRI. C M VENKATA REDDY ., ADVOCATE FOR R1 & R2)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21.02.2012 PASSED IN MVC NO.22/2009 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, MACT, K.G.F., AWARDING A COMPENSATION OF Rs.5,16,000/- WITH INTEREST @ 6% P.A. FROM THE DATE OF PETITION TILL DEPOSIT.

THESE MFA's, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

1. Both the appeals are filed calling in question the judgment and award dated 21.02.2012 passed in MVC No.22/2009 by the Additional Senior Civil Judge & MACT, KGF¹.

2. MFA No.4/2013 is filed by the claimants seeking for enhancement of compensation. MFA No.5896/2012 is filed by the Commissioner, City Municipal Council, KGF² seeking for reduction in the quantum of compensation.

¹ Hereinafter referred to as 'Tribunal'

² Hereinafter referred to as 'Municipality'



3. The findings of the Tribunal on negligence and liability have not been challenged in the present appeals and have attained finality. Hence, the only question that is required to be adjudicated in the present appeals is the adequacy of the quantum of compensation.

4. The deceased was aged about 30 years as on the date of the accident i.e., as on 25.3.2009. The appropriate multiplier is '17'. The deceased was stated to be a coolie. The Tribunal has assessed the income of the deceased at ₹ 4,000/-. However, having regard to the date of the accident, the notional income of the deceased is reassessed as ₹ 5,000/- per month.

5. 40% is required to be taken towards future prospects having regard to the judgment of the Supreme Court in case of **National Insurance Company Ltd v. Pranay Sethi³**. 1/3rd is to be deducted towards personal expenses.

³ AIR 2017 SC 5157



6. Accordingly, the loss of dependency is reassessed as (₹ 5,000/- + 40% - $1/3^{\text{rd}}$ x 12 x 17) ₹ 9,52,068/- as against ₹ 4,86,000/- awarded by the Tribunal.

7. The claimants No.1 and 2 are the children of the deceased. The claimant No.3-mother of the deceased has expired. Hence, the claimants No.1 and 2 are entitled to loss of consortium in terms of the judgment of the Supreme Court in the case of **Magma General Insurance Co., Ltd., v. Nanu Ram⁴**. Accordingly, a sum of (₹ 40,000/- x 2) ₹ 80,000/- is to be awarded towards the same.

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

⁴ (2018) 18 SCC 130



9. 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	486000.00	952068.00
2	Funeral expenses and transportation of body	10000.00	15000.00
3	Loss of love and affection	20000.00	0.00
4	Loss of estate	0.00	15000.00
5	Loss of consortium	0.00	80000.00
	Total	516000.00	1062068.00

10. In view of the above, the claimants are entitled to enhanced compensation of (₹ 10,62,068/- - ₹ 5,16,000/-) ₹ 5,46,068/-.

11. In view of the aforementioned, the following:

ORDER

- i) MFA No.4/2013 is partly allowed;
- ii) MFA No.5896/2012 is dismissed;
- iii) The judgment and award dated 21.2.2012 passed in MVC No.22/2009 by the Additional Senior Civil Judge and MACT at KGF is modified to the extent of holding that the claimants are entitled to further compensation of ₹ 5,46,068/- together with interest at 6% p.a. from the date



of petition till the date of payment in addition to the compensation awarded by the Tribunal;

- iv) The enhanced compensation together with accrued interest shall be disbursed to claimants 1 and 2 equally and out of the amounts payable to each of the claimants, a sum of ₹1,50,000/- each shall be kept in Fixed Deposit in any nationalized bank of their choice for a period of two years, upon expiry of which, the deposit amount together with accrued interest shall be released in their favour without any further orders either from this Court or the Tribunal in this regard and the remaining amount awarded together with accrued interest shall be released in favour of the claimants;
- v) The appellant in MFA No.5896/2012 shall deposit the enhanced compensation with accrued interest within a period of 6 weeks;
- vi) The modified award to be drawn accordingly.

No costs.

Sd/-
(C.M. POONACHA)
JUDGE