



NC: 2026:KHC:12105
MFA No. 4949 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 4949 OF 2020 (MV-D)

BETWEEN:

1. SMT RATHNAMMA
WIFE OF LATE VENKATARAVANAPPA
AGED ABOUT 41 YEARS,
R/AT PARAGODU VILLAGE
BAGEPALLI TALUK
CHIKKABALLAPURA DISTRICT
PIN-561207

...APPELLANT

(BY SRI. H.K. PAVAN, ADVOCATE FOR
SRI. K.B.K. SWAMY, ADVOCATE)

AND:

1. V SAI KUMAR
SON OF V VENKATARAMUDA
MAJOR
R/AT NO.5/370, MAIN ROAD,
YENUMULAPALLE PUTTAPARTHY
ANANTHPUR DISTRICT
ANDHRA PRADESH - 515 134
2. M/S UNITED INDIA INSURANCE CO. LTD
NO.12/87, 1ST FLOOR, M S BUILDING,
RS ROAD, DHARMAVARAM
ANDHRA PRADESH - 515 670

...RESPONDENTS

(BY SMT. MANJULA M. TEJASWI, ADVOCATE FOR R2.
R1 IS SERVED AND UNREPRESENTED)



THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.23.02.2019 PASSED IN MVC NO.179/2015 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND MACT, CHICKBALLAPUR, 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 MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. The present appeal has been filed by the appellant challenging the impugned Judgment and Award dated 23.02.2019, passed by the learned II Addl. Senior Civil Judge and Motor Accident Claims Tribunal at Chickballapur, in MVC No.179/2015 [hereinafter referred to as the "Impugned Award"]. By the Impugned Award, the appellant/claimant has been awarded a compensation of Rs.9,74,000/- with interest at the rate of 6% p.a.



2. The brief facts are that, on 10.05.2015, at about 11.20 a.m., the deceased was the son of the appellant and he was driving motorcycle bearing Registration No.KA-40-J-9801, near Paragodu Village, Bagepalli taluk. At that time, the driver of Innova car bearing Registration No.AP-02-Y-5406 coming from the opposite direction at a high speed, collided with the motorcycle of the appellant. As a result of which, the deceased fell down from the motorcycle and sustained grievous injuries. The deceased was immediately shifted to Bagepalli Government Hospital and thereafter to NIMHANS Hospital, at Bengaluru and then shifted to Navachethana Hospital at Yelahnika and to Akash Hospital, however, the deceased succumbed to the injuries. FIR was also registered against the driver of the Innova car under Sections 279 and 304(A) of IPC, 1860.

3. A claim petition was filed by the mother and brother of the deceased before the Tribunal. The driver/owner of the vehicle did not appear despite service and was



proceeded with *ex-parte*. The Insurance Company however, appeared and contested the matter.

4. Based on the pleadings between the parties, the learned Tribunal framed the following issues:

- "1. Whether the petitioners proves that deceased Sridhar died in an accident that was taken place on 10.5.2015 at about 11.30 am due to the rash and negligent driving of the driver of the Innova Car bearing Reg.No.AP-02-Y-5406 at Paragod Cross road, Begepalli Taluk, Chikkaballapura District?*
- 2. Whether the petitioner is entitled for compensation? If so, what is the quantum and from whom?*

5. The appellant/claimant examined herself as PW.1 and marked 17 documents as Exs.P1 to Exs.P17 which included the FIR (Ex.P1); Charge sheet (Ex.P17); IMV Report (Ex.P7). The official of respondent No.2/Insurance Company is examined as RW.1 and got marked 4 documents as Exs.R1 to Ex.R4.

6. The learned Tribunal gave a finding that the offending vehicle was driven by the deceased in a rash and negligent manner and causing the accident. The learned Tribunal also found that the deceased was working as a



cook and since the appellant/claimant was unable to prove the income of the deceased, the learned Tribunal took the notional income at the rate of Rs.4,000/- per month. Taking the multiplier as `18', the learned Tribunal awarded an amount of Rs.8,64,000/- towards loss of dependency. Other amounts are also awarded in terms of the calculation as follows:

Sl. No.	Heads	Amount
1	Loss of dependency	Rs. 8,64,000/-
2	Love and affection	Rs. 1,00,000/-
3	Funeral Expenses and transportation charges	Rs. 10,000/-
	Total	Rs. 9,74,000/-

7. Learned counsel for the appellant submits that the award on several grounds is not in accordance with law. He firstly submits that the loss of dependency was normally calculated and since the accident has occurred in the year 2015, the notional income has to be taken as Rs.9,000/- per month. Secondly, he contends that the loss of future prospects was not awarded by the learned Tribunal. Lastly, it is contented that the claimant has



placed on record medical bills/expenses for Rs.2,33,140/- which was marked as Ex.P.8, however, the learned Tribunal has failed to award any such amount.

8. The learned counsel for the respondent does not controvert the fact that the notional income for the year 2015 is Rs.9,000/-. On the aspect of award for medical bills, learned counsel for the respondent fairly concedes that Ex.P.8 are the original medical bills, which were on record.

9. The issues that arise in the present case are :

"(1) Whether the learned Tribunal has awarded the amounts in accordance with the settled law?

(2) Whether the learned Tribunal should have awarded the amount for medical expenses given that original medical bills were produced at Ex.P.8?"

**10. It is not disputed by the parties that the notional income for the year 2015 was Rs.9,000/- and the multiplier is '18' given that the deceased was 22 years at the time of the accident. Since the deceased was bachelor, one half of his income has to be deducted for loss of dependency. Accordingly, the calculation for loss of dependency would be as follows:*



<i>Heads</i>	<i>Amounts</i>
<i>Loss of Dependency</i>	<i>(Rs.9,000/- + 40%) = Rs.12,600/- Less 50% as a Bachelor = Rs.6,300/- Rs.6,300/- x 12 x 18 = Rs.13,60,800/-</i>

11. The filial consortium at an amount of Rs.40,000/- and loss of estate and funeral expenses of Rs.15,000/- each have to be awarded and 10% escalation is also required to be awarded.

12. It is not disputed that the claimant had produced the medical bills of the deceased right from the date of the accident till the date of his discharge. Several bills are collated and marked as Ex.P8 before the learned Tribunal. The learned counsel for the appellant has produced the memo of calculation of the bills, including the bills of the Navachethana Hospital, Akash Pharma and Akash hospital totaling to Rs.2,33,140/-, the same is taken on record.

13. This Court has examined these bills at Ex.P8, as well as calculation placed on record by the appellant. The examination of the Impugned Award shows that although these bills were exhibited as Ex.P-8, there is no finding on



this aspect in the Impugned Award. Accordingly, this Court deems it apposite to award Rs.2,33,140/- as medical expenses as well.

**"14. In view of the discussions as stated above, the compensation awarded is required to be enhanced in the following manner.*

Sl. No.	Heads	Amount
1	Loss of dependency	Rs. 13,60,800/-
2	Loss of filial Consortium	Rs. 44,000/-
3	Loss of estate	Rs. 16,500/-
4	Funeral expenses	Rs. 16,500/-
5	Towards medical bills	Rs. 2,33,140/-
TOTAL		Rs. 16,70,940/-
Awarded by the Tribunal		Rs. 9,74,000/-
Enhanced Compensation		Rs. 6,96,940/-

15. Hence, the appellants are entitled to total compensation of **Rs.16,70,940/-** along with interest at the rate of 6% per annum from the date of petition till the date of realization.



16. Accordingly, the Court proceeds to pass the following directions:

ORDER

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

(ii) The Impugned Judgment and Award dated 23.02.2019 passed by the II Additional Senior Civil Judge and Motor Accident Claims Tribunal at Chickaballapur, in MVC No.179/2015 is modified, enhancing the compensation of **Rs.6,96,940/-** [Rupees Six Lakhs Ninety-Six Thousand Nine Hundred and Forty] along with interest applicable thereon as awarded by the learned Tribunal.

(iii) The Respondent No.2/Insurance Company shall deposit the enhanced compensation with interest applicable thereon, as awarded by the learned Tribunal, within a period of six weeks from the date of receipt of a copy of this judgment.



iv) On such deposit of compensation, the same shall be released in favour of the appellants/claimants.

(v) The remaining portion of the Impugned Award of the Tribunal remains undisturbed.

(vi) All pending applications stand closed.

(vii) The Registry is directed to draw the modified Award accordingly.

(viii) The Registry is directed to transmit a copy of this judgment to the concerned Tribunal, along with its records.

*(ix) No order as to costs".**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

PSJ / List No.: 1 SI No.: 10