



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 4766 OF 2020 (MV-D)

BETWEEN:

1. RAVI
S/O LATE MALLAIAH
AGED ABOUT 42 YEARS.
2. SMT. SHIVARATHNAMMA
W/O RAVI
AGED ABOUT 33 YEARS.

BOTH ARE R/A HOSAKABBALU
VILLAGE, SATHNOOR HOBLI
KANAKAPURA TALUK
RAMANAGARA DISTRICT - 562 117.

...APPELLANTS

(BY SMT. NITHYA, ADV., FOR
SRI PRAKASH M.H, ADV.)

AND:

1. RELIANCE GEN INS CO LTD
OFFICE AT NO.28, 5TH FLOOR
CENTENARY BUILDING
M.G. ROAD
BENGALURU - 560 001
REP BY ITS MANAGER.
2. SRI HUCHAKALAI AH
S/O JAVARAI AH
MAJRO
R/A HOSAKABBALU VILLAGE
SATHANOOR HOBLI
KANAKAPURA TALUK
RAMANAGARA DISTRICT - 562 117.

...RESPONDENTS

(BY SRI H.S. LINGARAJ, ADV., FOR R-1)





THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17.03.2020 PASSED IN MVC NO. 123/2019 ON THE FILE OF THE MEMBER, MACT, XVI ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU CITY (SCCH-14), 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 VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the claimant challenging the judgment and award dated 17.03.2020 passed in MVC No.123/2019 by the Court of Motor Vehicles Accident Claims Tribunal, Bengaluru City, (for short, 'Tribunal').

2. Though this appeal is listed for admission, with consent of the learned counsel for the parties, it is taken up for final disposal.

3. Smt. Nithya, learned counsel appearing for Sri Prakash.M.H., learned Counsel for the appellant submits that the Tribunal has committed a grave error in awarding meager compensation of Rs.5,50,000/- to the claimants as the deceased was aged about 16 years and was pursuing



Diploma in Computer Science. It is submitted that the income of the deceased is required to be assessed notionally as well as to assess the compensation under the head of loss of dependency and the parents would be entitled for compensation under the head of loss of consortium, loss of estate and the amount towards transportation of dead body. Hence, she seeks to re-assess the compensation by allowing the appeal.

4. *Per contra*, Sri H.S.Lingaraj, learned counsel for respondent No.1 supports the impugned judgment and award of the Tribunal and submits that the deceased was admittedly aged about 16 years and he was not earning any amount. Hence, award of compensation under the head of loss of dependency, would not arise. However, the Tribunal considering the law on the point, has awarded compensation of Rs.50,000/- under the head of filial consortium, and the same does not call for interference. Hence, he seeks to dismiss the appeal.



5. I have heard the arguments of the learned counsel for the appellant, the learned counsel for the respondent and meticulously perused the material available on record.

6. The only point that would arise for consideration in this appeal is:

***"Whether the impugned judgment
and award passed by the Tribunal calls
for any interference?"***

7. The parties to the proceedings do not dispute that in a road accident dated 15.12.2018, Harshith Kumar who was aged about 16 years met with a road traffic and he sustained grievous injuries and succumbed to those injuries. The records indicate that the deceased was pursuing Diploma in Computer Science. Keeping in mind the aforesaid fact and also taking note of the fact that the liability is on the insurance company, the compensation under the head of loss of dependency is required to be re-assessed in view of the law laid down by the Hon'ble



Supreme Court in the case of **HITESH NAGJIBHAI PATEL VS BABABHAI NAGJIBHAI RABARI & ANOTHER - 2025 INSC 1070**, loss of dependency has to re-assessed.

8. The income of the deceased is assessed notionally at Rs.12,500/- placing reliance on the notional income chart prepared by KSLSA. The claimants would be entitled for additional 40% of the assessed income under the head of loss of future prospects and the appropriate multiplier would be 18 as per the decision of the Hon'ble Supreme Court referred supra. Hence, loss of dependency is re-assessed as under:

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

9. The claimants are the parents of the deceased. Hence, they are entitled for compensation under the head of loss of consortium at the rate of Rs.44,000/- each which includes 10% escalation. Towards transportation of dead body and funeral expenses, a sum of Rs.16,500/- is awarded which includes 10% escalation and loss of estate



at Rs.16,500/- which includes 10% escalation. Thus, the appellant would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Loss of dependency	18,90,000/-
Loss of consortium	88,000/-
Transportation of dead body & funeral expenses	16,500/-
Loss of estate	16,500/-
Total	20,11,000/-

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.20,11,000/-** as against Rs.5,50,000/- awarded by the Tribunal.

10. In the result, this Court proceeds to pass the following:

ORDER

a) The appeal is ***allowed in part.***

b) The impugned judgment and award dated 17.03.2020 passed by the Tribunal in M.V.C.No.123/2019 is modified to an extent



that the appellant-claimant would be entitled to total compensation of **Rs.20,11,000/-** as against Rs.5,50,000/- awarded by the Tribunal.

- c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.
- d) The respondent-Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of the certified copy of this judgment.
- e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE