



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. 7557 OF 2013 (MV)

BETWEEN:

1. THIMMAPPA
S/O KARIYAPPA
AGED ABOUT 67 YEARS
AGRICULTURIST
2. JAYAMMA
W/O THIMMAPPA
AGED ABOUT 57 YEARS

BOTH ARE R/O BORAGANAHALLY VILLAGE
HIRENALLURU HOBLI
KADUR TALUK
CHIKKAMANGALORE DISTRICT 577 548

...APPELLANTS

(BY SRI. GIREESHA S N, ADVOCATE FOR
SRI. MANJUNATH N D, ADVOCATE)

AND:

1. BASAMMA
W/O LATE B T NAGARAJU
AGED ABOUT 25 YEARS
HOUSEHOLD WORK
R/O BORAGANAHALLY VILLAGE
HIRENALLURU HOBLI
KADUR TALUK
CHIKKAMANGALORE DISTRICT
NOW HAVING RESIDENTIAL ADDRESS
BASAMMA D/O MYLARAPPA
AGED ABOUT 25 YEARS
R/AT HOSAKUNDUR VILLAGE





KASABA HOBLI
HOSADURGA TALUK 577 527
CHITRADURGA DISTRICT

2. MANAGING DIRECTOR KSRTC
K H ROAD
BANGALORE (HASSAN DEPOT)
INTERNAL SECURITY FUND
SARIGE BHAVANA
BANGALORE 560 002

...RESPONDENTS

(BY SRI. GURUDATH V R, ADVOCATE FOR
SMT. SPOORTHY HEGDE N, ADVOCATE FOR R1
SRI. B. L. SANJEEV, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 31.1.2013 PASSED IN MVC NO.244/2011 ON THE FILE OF THE ITINERARY SENIOR CIVIL JUDGE, ADDITIONAL MACT, HOSADURGA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

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

ORAL JUDGMENT

1. The present appeal is filed impugning the judgment and award dated 31.1.2013 passed in MVC No.244/2011 on the file of the Itinerary Senior Civil Judge, Additional MACT., Hosadurga¹. The Tribunal, vide the impugned judgment has allowed the claim petition filed by the respondent No.1/claimant

¹ hereinafter referred to as the 'Tribunal'



(wife of the deceased) and awarded a total compensation of ₹6,47,000/- together with interest @ 6% per annum from the date of petition till realization. The mother and father of the deceased were arrayed as respondent Nos.2 and 3 respectively before the Tribunal. Out of the compensation awarded, no portion has been apportioned in favour of respondent Nos.2 and 3. Hence, the parents of the deceased have filed the present appeal seeking for enhancement in the quantum of compensation as also for appropriate apportionment in the quantum of compensation.

2. The findings of the Tribunal on negligence and liability are not under challenge and have attained finality.

3. The deceased (B.T. Nagaraj) was aged 30 years as on date of the accident i.e., on 17.07.2010. He was stated to be a driver. But no documents have been produced to demonstrate his income. The Tribunal has assessed the income of the deceased as ₹4,000/- per month. Having regard to the date of the accident, the income of the deceased is re-assessed as ₹5,500/- per month.



4. 40% is required to be added towards future prospects in terms of the judgment of the Supreme Court in the case of **NATIONAL INSURANCE COMPANY LIMITED -V- PRANAY SETHI & OTHERS**². 1/3rd is to be deducted towards personal expenses. The Tribunal has applied appropriate multiplier of '17', which is just and proper. Accordingly, the loss of dependency is re-assessed as (₹5,500/- + 40% - 1/3rd x 12 x 17) ₹10,47,200/- as against ₹6,12,000/- awarded by the Tribunal.

5. The loss of consortium is required to be awarded to the wife as well as to the parents of the deceased in terms of the judgment of the Supreme Court in the case of **Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others**³. Accordingly, a sum of (₹40,000 x 3) ₹1,20,000/- is awarded towards the same as against ₹10,000/- awarded by the Tribunal.

6. Compensation of ₹15,000/- each is required to be awarded towards funeral expenses and loss of estate. Hence, the

² (2017) 16 SCC 680

³ (2018) 18 SCC 130



compensation awarded by the Tribunal on other conventional heads is modified accordingly.

7. The compensation is re-assessed as under:

Sl.No	Compensation Head	Amount Awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1	Towards Loss of Dependency	6,12,000.00	10,47,200.00
2	Towards Funeral expenses	10,000.00	15,000.00
3	Towards Loss of Consortium	10,000.00	1,20,000.00
4	Towards Loss of Love and Affection	10,000.00	00
5	Towards of Transportation of Dead Body	5,000.00	
6	Loss of estate	00	15,000.00
	Total	6,47,000.00	11,97,200.00

8. Out of the total compensation as re-assessed by this Court, 60% shall be payable to the wife i.e., (₹11,97,200x60%) ₹7,18,320/-.

9. Since the Tribunal has awarded a sum of ₹6,47,000/- only to the wife, out of the enhanced amount, the balance compensation of ₹71,320/- shall be payable to the wife



(claimant before the Tribunal/respondent No.1 in the present appeal).

10. Out of the balance amount of ₹4,78,880/-, a sum of ₹3,00,000/- shall be payable to the mother (Respondent No.3 before the Tribunal/Appellant No.2 in the present appeal) and the balance sum of ₹1,78,880/- shall be payable to the father (Respondent No.2 before the Tribunal/Appellant No.1 in the present appeal).

11. The said apportioned amounts together with interest shall be payable to the wife, mother and father respectively.

12. Hence, the following:

ORDER

- i. The above appeal is partly allowed;
- ii. The judgment and award dated 31.1.2013 passed in MVC No.244/2011 by the Itinerary Senior Civil Judge, Additional MACT., Hosadurga is modified to the extent holding that the appellants and respondent No.1 shall be entitled to a further sum of ₹5,50,200/- together with



interest @ 6% per annum from the date of petition till the date of payment in addition to the compensation awarded by the Tribunal. In all other respects, the judgment and award of the Tribunal remains unaltered;

iii. The enhanced compensation shall be apportioned in the following manner:

(a) a sum of ₹71,320/- together with accrued interest shall be payable to respondent No.1/claimant;

(b) a sum of ₹3,00,000/- together with accrued interest shall be payable to appellant No.2/respondent No.3 before the Tribunal;

c) a sum of ₹1,78,880/- together with accrued interest shall be payable to appellant No.1/respondent No.2 before the Tribunal;

iv. Respondent No.2 (in the present appeal) /KSRTC shall deposit the enhanced amount together with accrued interest within a period of six weeks from date;



v. Out of the apportioned amount, a sum of ₹2,00,000/- awarded in favour of the appellant No.2 shall be kept in a Fixed Deposit in any Nationalised Bank of the choice of appellant No.2 for a period of two years, upon expiry of which, the deposit amount together with accrued interest shall be released in favour of appellant No.2 (mother of the deceased) without any further orders either from the Tribunal or from this Court in this regard. The remaining amounts awarded to appellants and respondent No.1 (in this appeal) together with accrued interest shall be released/disbursed in favour of the said parties;

vi. The Registry to draw the modified award accordingly;

vii. Records be transmitted to the Tribunal forthwith;

No costs.

Sd/-
(C.M. POONACHA)
JUDGE