



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. 8484 OF 2012 (MV)

BETWEEN:

1. H PREMA
AGED ABOUT 63 YEARS,
W/O LATE KN HIRIYANNA,
 2. H PRASANNAKUMAR
AGED ABOUT 42 YEARS,
S/O LATE KN HIRIYANNA,
 3. H VIJAYAKUMAR
AGED ABOUT 39 YEARS,
S/O LATE KN HIRIYANNA,
 4. RAJKUMAR
AGED ABOUT 37 YEARS,
S/O LATE KN HIRIYANNA,
 5. H PRAVEEN KUMAR
AGED ABOUT 29 YEARS,
S/O LATE K N HIRIYANNA,
- ALL ARE RESIDING AT S.L.N OUT HOUSE,
KUNIGAL ROAD,TUMKUR,
TUMKUR DISTRICT.



APPELLANTS

(BY SRI.RAJU BHAT.,ADVOCATE)

AND:

1. T JAGADESHWARA REDDY
AGED ABOUT 54 YEARS,
S/O N REDDY,C/O RAMI REDDY,
2ND MAIN,7TH CROSS,
BANGALORE AIRPORT,
BANGALORE - 560074.
2. THE ORIENTAL INSURANCE CO LTD,
NO 7,UTHAMAR GANDHI SALARI,



2ND FLOOR, ROSY TOWERS,
NAGUMBAKKAM, CHENNAI-01,
TAMILNADU.

RESPONDENTS

(BY SRI.P.B. RAJU., ADVOCATE FOR R2;
V/O DTD 15.06.2022 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:30.5.2012 PASSED IN MVC NO.732/2007 ON THE FILE OF THE PRESIDING OFFICER, FAST TRACK-1, ADDITIONAL MACT, TUMKUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC.,.

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

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

ORAL JUDGMENT

The above appeal is filed by the claimants under Section 173(1) of the Motor Vehicles Act, 1988¹ challenging the judgment and award dated 30.05.2012 passed in MVC.No.732/2007 by the learned Fast Track-I and Additional M.A.C.T, Tumkur², wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹2,76,000/- together with interest at 6% per annum. Being aggrieved by the same, the present appeal is filed by the claimants seeking for enhancement of compensation.

¹ Hereinafter referred to as 'Act of 1988'

² Hereinafter referred to as 'Tribunal'



2. The findings of the Tribunal on negligence and liability are not under challenge and the same have attained finality. Hence, the only question that is required to be considered in the present appeal is with regard to the adequacy of the quantum of compensation awarded.

3. The deceased was aged 20 years as on date of the accident i.e. as on 17.05.2006. The deceased was studying Computer Science Engineering at the time of his death. The Tribunal has assessed the notional income of deceased at ₹3,000 per month. Having regard to the date of the accident, the notional income of the deceased is re-assessed as ₹4,000/- per month.

4. 40% is to be added towards future prospects and 50% is to be deducted towards personal expenses, since the deceased was a bachelor. Accordingly, the loss of dependency is re-assessed as $(4,000 + 40\%) = ₹5,600 - 50\% \times 12 \times 18 = ₹6,04,800/-$.

5. Tribunal has awarded a sum of ₹25,000/- towards medical expenses which is just and proper.

6. Claimant No.1 is the mother, who is entitled to loss of consortium in terms of judgment of the Hon'ble Supreme



Court in the case of ***Magma General Insurance Company***
V/S Nanu Ram Alias Chubru Ram And Ors³, in a sum
of ₹40,000/-.

7. ₹15,000/- each is to be awarded towards funeral expenses and loss of estate. The compensation under conventional heads is modified accordingly.

8. Accordingly, the total compensation under various heads is re-assessed as follows:

Sl. No	Heads	Amount awarded by the Tribunal (₹.)	Amount awarded by this Court (₹.)
1.	Loss of dependency	00.00	604800.00
2.	Medical expenses	25000.00	25000.00
3.	Loss of consortium	20000.00	40000.00
4.	Loss of estate	216000.00	15000.00
5	Funeral expenses	15000.00	15000.00
	Total	276000.00	699800.00

9. Hence, the claimant is entitled for enhanced compensation of (₹6,99,800/- – ₹2,76,000/-) ₹4,23,800/- which is rounded off to ₹4,24,000/-.

10. In the result, the following:

ORDER

i) The appeal is ***allowed in part***;

³ (2018) 18 SCC 130



- ii) The judgment and award dated 30.05.2012 passed in MVC.No.732/2007 by the learned Fast Track-I and Additional M.A.C.T, Tumkur, is modified to the extent ordered herein. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) The appellant/claimants are entitled for enhanced compensation of ₹4,24,000/- with interest at the rate of 6% p.a. from the date of petition till its realisation in addition to the compensation awarded by the Tribunal;
- iv) Respondent No.2 – insurer shall deposit the said compensation together with accrued interest within a period of six weeks;
- v) Upon such deposit, the entire enhanced compensation together with interest accrued thereupon be disbursed digitally to the claimants in terms of the judgment and award of the Tribunal;
- vi) The Registry to draw the modified award accordingly.

No costs.

Sd/-
(C.M. POONACHA)
JUDGE