



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.4929/2020 (MV-D)

BETWEEN:

1. SMT. SHASHI KALA
W/O LATE JAYARAM
AGED ABOUT 31 YEARS.
2. MASTER SHARATH KUMAR
S/O LATE JAYARAM
AGED ABOUT 8 YEARS.
3. BABY PALLAVI S.J.
D/O LATE JAYARAM
AGED ABOUT 5 YEARS.
4. BABY PAVANI S.J.
D/O LATE JAYARAM
AGED ABOUT 5 YEARS.

APPELLANT NO.1 TO 4 ARE
R/AT NO.565, 4TH MAIN, 4TH CROSS
VIJAYA NAGAR, BENGALURU NORTH
NANDINI LAYOUT, BENGALURU 560096.

SINCE APPELLANTS NO.2 TO 4 ARE
MINOR REP. BY THEIR MOTHER
SMT. SHASHIKALA.

5. SRI. GANGAVENKATAIAH
S/O HUCHAIAH
AGED ABOUT 85 YEARS
6. SMT. ERAMMA
W/O GANGAVENKATAIAH





AGED ABOUT 75 YEARS.

APPELLANT NOS.5 & 6 ARE
R/AT JAKKANAHALLI
BENGALURU RURAL - 562123.

...APPELLANTS

(BY SRI. RAGHU R, ADV.,)

AND:

1. ROYAL SUNDARAM
ALLIANCE INSURANCE CO LTD
NO.132, BALAJI SOVEREIGN
2ND FLOOR, BRIGADE ROAD
NEAR BIRGADE TOWERS
BENGALURU-560025.
REP. BY ITS MANAGER.
2. SRI. PUTTASWAMY B.K.
S/O KEMPAIAH
R/AT NO.19, 1ST CROSS
ANNAPURNESHWARI LAYOUT
THIGALARAPALYA
PEENYA 2ND STAGE
BENGALURU-560058.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADV., FOR R1
SRI. VIVEK HOLLA, ADV., FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.16.01.2020 PASSED IN MVC
NO.2681/2019 ON THE FILE OF THE VIII ADDITIONAL JUDGE
AND ACMM, MEMBER, MACT, BENGALURU (SCCH-5), 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 appellants challenging the judgment and award dated 16.01.2020 passed in MVC.No.2681/2019 by the VIII Additional Small Causes Judge and Member, MACT, Bengaluru, (SCCH-5), (for short 'the Tribunal').

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

3. Heard Sri.Raghu R., learned counsel appearing for the appellants, Sri.B.Pradeep, learned counsel for respondent No.1, Sri.Vivek Holla, learned counsel for respondent No.2 and meticulously perused the material available on record.



4. The parties to the proceedings do not dispute that in a road accident dated 14.04.2019, Sri.Jayaram succumbed to the injuries sustained. It is also not in dispute that respondent No.1/Insurance Company is liable to indemnify the loss and pay compensation. The deceased was aged about 33 years at the time of the accident and claimed to have been earning Rs.40,000/- per month from his avocation; however, no evidence was placed on record to substantiate the same. Hence, in the absence of proof of income, the income of the deceased is notionally reassessed at Rs.14,000/- per month. Having reassessed the income of the deceased at Rs.14,000/- per month and considering the age of the deceased as 33 years and his avocation, the appellants-claimants are further entitled to an addition of 40% of the assessed income under the head of loss of future prospects in view of the law laid down by the Hon'ble Supreme Court in the case of ***National Insurance Company Limited v. Pranay Sethi and***



Others¹. Further, as the claimants are the wife, children and parents of the deceased, totaling 6 in number, the appropriate deduction towards personal and living expenses should be one-fourth, which has been rightly considered by the Tribunal. Considering that the deceased was aged about 33 years at the time of the accident; the appropriate multiplier applicable is 16, which has also been rightly considered by the Tribunal. Accordingly, the appellants-claimants are entitled to compensation towards ***loss of dependency*** as under:

$$\text{Rs.14,000} + 40\% \times 12 \times 16 - 1/4^{\text{th}} = \text{Rs.28,22,400/-}$$

5. The appellants-claimants would also be entitled to a sum of **Rs.16,500/-** under the head of 'loss of estate' and **Rs.16,500/-** under the head of 'funeral expenses & transportation of dead body' including 10% escalation. The appellants-claimants are also entitled to a sum of **Rs.44,000/- each** towards ***loss of consortium*** including 10% escalation.

¹ (2017) 16 SCC 680



6. Thus, in all, the appellants-claimants shall be entitled to modified compensation under the following heads:

HEADS	AMOUNT (in Rs.)
Loss of dependency	28,22,400/-
Loss of consortium (Rs.44,000 X 6)	2,64,000/-
Transportation of dead body & funeral expenses	16,500/-
Loss of estate	16,500/-
Total	31,19,400/-

Thus, the claimants shall be entitled to a total compensation of **Rs.31,19,400/-** as against Rs.22,86,000/- awarded by the Tribunal.

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

ORDER

- a) Appeal is ***allowed in part.***
- b) The impugned judgment and award of the Tribunal is modified to an extent that the claimants would be entitled to total



compensation of **Rs.31,19,400/-** as
against Rs.22,86,000/- awarded by the
Tribunal.

- c) The enhanced compensation amount shall
carry interest at the rate of 6% per
annum from the date of petition till the
date of payment.
- d) The 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 certified copy of this judgment.
- e) The apportionment, deposit and
disbursement shall be made as per award
of the Tribunal.
- f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE