



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 6350 OF 2022

(MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 1220 OF 2023

(MV-D)

IN MFA No. 6350/2022

BETWEEN:

M/S. UNITED INDIA INSURANCE CO. LTD.
T.P. HUB, 5TH AND 6TH FLOOR,
KRUSHI BHAVAN, HUDSON CIRCLE,
BANGALORE-560 027.
REP. BY ITS DEPUTY MANAGER.

...APPELLANT

(BY SRI. B. PRADEEP, ADVOCATE FOR
SRI. JANARDHAN REDDY, ADVOCATE)

AND:

1. KIRAN KUMAR E.S.
S/O LATE THEERTHAMAIAH,
AGED ABOUT 40 YEARS,
2. KUMARI S. KRISHNA SASWATHA KEERTHI
D/O SRI. KIRAN KUMAR E.S.
AGED ABOUT 10 YEARS,





3. KUMARI ESSA LAXMI KARTHEEKA
D/O SRI. KIRAN KUMAR E.S.
AGED ABOUT 6 YEARS,

APPELLANT NO.2 & 3 ARE MINORS
REP. BY NATURAL GUARDIAN AND FATHER
KIRANKUMAR E.S. 1ST RESPONDENT HEREIN.

ALL ARE RESIDING AT: NO.1/56,
KRISHNAPURAM VILLAGE,
ALLAGADDA MANDALAM,
KURNOOL DISTRICT,
ANDHRA PRADESH.

PRESENTLY RESIDING AT NO.34,
3RD MAIN ROAD, 2ND BLOCK,
2ND CROSS, AYYAPPA NAGAR,
K.R. PURAM, BENGALURU-560 036.

4. SRI. VENKATASWAMY
S/O MUNI AVALAPPA,
R/AT NO.91, 1ST MAIN ROAD,
3RD CROSS, CHIKKADEVASANDRA,
K.R.PURAM, BANGALORE-560 036.
(OWNER OF THE TRACTOR/TAILOR
TANKER BEARING REG.NO.KA40/T2567
AND KA53/6890)

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE FOR R1-R3;
NOTICE TO R4 IS DISPENSED WITH;
(R2 & R3 ARE MINORS, REP. BY R1))

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.01.04.2022 PASSED IN MVC
NO.698/2020 ON THE FILE OF THE XV ADDITIONAL SMALL
CAUSES JUDGE AND XXIII ACMM, MACT, MAYO HALL UNIT,
BENGALURU, (SCCH-19), AWARDDING COMPENSATION OF



RS.1,52,70,000/- WITH INTEREST AT 6 PERCENT P.A. FROM
THE DATE OF PETITION TILL REALIZATION.

IN MFA NO. 1220/2023

BETWEEN:

1. KIRAN KUMAR E.S.
S/O LATE THEERTHAMAIAH,
AGED ABOUT 41 YEARS,
2. KUMARI S. KRISHNA SASWATHA KEERTHI
D/O SRI. KIRAN KUMAR E.S.
AGED ABOUT 11 YEARS,
3. KUMARI ESSA LAXMI KARTHEEKA
D/O SRI. KIRAN KUMAR E.S.
AGED ABOUT 7 YEARS,

APPELLANT NOS.2 & 3 ARE MINORS
REP. BY NATURAL GUARDIAN AND
FATHER KIRANKUMAR E.S.
1ST RESPONDENT HEREIN.

ALL ARE RESIDING AT: NO.1/56,
KRISHNAPURAM VILLAGE,
ALLAGADDA MANDALAM,
KURNOOL DISTRICT,
ANDHRA PRADESH-518 543.

PRESENTLY RESIDING AT NO.34,
3RD MAIN ROAD, 2ND BLOCK,
2ND CROSS, AYYAPPANAGAR,
K.R. PURAM, BENGALURU-560 036.

...APPELLANTS

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE)



NC: 2026:KHC:11926-DB
MFA No. 6350 of 2022
C/W MFA No. 1220 of 2023

AND:

1. SRI. VENKATASWAMY
S/O MUNI AVALAPPA,
R/AT NO.91, 1ST MAIN ROAD,
3RD CROSS,
CHIKKADEVASANDRA,
K.R.PURAM,
BANGALORE-560 036.
2. M/S. UNITED INDIA INSURANCE CO. LTD.
T.P. HUB, 5TH AND 6TH FLOOR,
KRUSHI BHAVAN,
HUDSON CIRCLE,
BENGALURU-560 027.
BY ITS MANAGER.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR
SRI. JANARDHAN REDDY, ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DATED 01.04.2022 PASSED
IN MVC NO.698/2020 ON THE FILE OF THE XV
ADDITIONAL SMALL CAUSES JUDGE AND XXIII ACMM,
MAYO HALL UNIT, BENGALURU SCCH-19, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION
BARRED BY TIME.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

These two appeals have been filed against the common judgment and award dated 01.04.2022 in MVC No.698/2020.

2. Mr. B. Pradeep, learned Counsel appearing for the appellant in MFA No.6350/2022 has impugned the award on two grounds as under:

i. The future prospects have been given at the rate of 50%. The deceased was in private employment and therefore, the future prospects should have been limited to 40%.

ii. The dependents of the deceased had received a sum of Rs.48,00,000/- from the employer towards a group insurance claim for which the deceased used to pay separate premium.

3. Mr. Guru Prasad K T., learned counsel for respondents/claimants would submit that the deduction is made from the monthly income of the deceased and except for



income tax amount nothing should have been deducted while calculating the income.

4. We have considered the submissions of the learned counsels for the parties.

5. We agree with the submission of learned counsel Mr. B. Pradeep that the future prospects ought to have been given at the rate of 40% and not at the rate of 50% as awarded by the learned Tribunal. So far as the amount received by the dependents of the deceased towards group insurance taken by him while in employment is concerned, since the deceased had paid separate premium, the amount received by him can not to be deducted from the claim in the motor accidents.

6. So far as the contention of learned counsel Mr. Guru Prasad K T., is concerned, the monthly income of the deceased was Rs.94,000/- and after deducting the income tax and professional tax, the monthly income of the deceased would be Rs.84,000/-. Thus, we find no ground to enhance the compensation.



7. Thus, the loss of dependency is worked as under:

$$\text{Rs.}84000 + \text{Rs.}33,600 (40\%) = \text{Rs.}1,17,600/-$$

$$\text{Rs.}1,17,600 - \text{Rs.}39,200 (1/3) = \text{Rs.}78,400/-$$

$\text{Rs.}78,400 \times 12 \times 15 = \text{Rs.}1,41,12,000/-$ as against a sum of Rs.1,51,20,000/- awarded by the Tribunal.

8. Thus, the claimants are entitled for the following compensation:

HEADS	Rs.
Loss of dependency	1,41,12,000
Loss of consortium	40,000
Towards loss of filial consortium	80,000
Towards funeral and obsequies ceremonies	15,000
Loss of estate	15,000
TOTAL	1,42,62,000
<u>Less:</u> Compensation awarded by the Tribunal	1,52,70,000
REDUCED COMPENSATION	10,08,000

9. In the result, we pass the following:



ORDER

- i. The appeal filed by the appellant-Insurance Company are ***allowed-in-part*** and the appeals filed by the appellants-claimants are ***dismissed***.
- ii. The impugned judgment and award passed by the Tribunal is modified to the extent stated hereinabove. The claimants are entitled for a total compensation of Rs.**1,42,62,000/-** as against **Rs.1,52,70,000/-** awarded by the Tribunal, hence a sum Rs. **10,08,000/-** is reduced from the total compensation awarded by the Tribunal. The entire compensation shall carry interest at the rate of 6% per annum from the date of filing of the claim petition till the date of its realization.
- iii. The amount deposited before this Court shall be transmitted to the Tribunal.
- iv. Draw modified award accordingly.
- v. No order as to costs.

Registry is directed to send a copy of this judgment to the Tribunal along with its record, forthwith.



In view of the disposal of the appeals, all pending applications, if any, shall stand disposed off, as they do not survive for any consideration.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(S RACHAIAH)
JUDGE**

RKA
List No.: 1 Sl No.: 12