



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 8040 OF 2015 (MV-D)

BETWEEN:

1. SMT. K.S SAMITHA
W/O N. KRISHNEGOWDA
AGED ABOUT 30 YEARS
2. SAMRUDH K. GOWDA,
S/O N. KRISHNEGOWDA
AGED ABOUT 7 YEARS
3. SHAYAN K GOWDA
S/O N. KRISHNEGOWDA
AGED ABOUT 8 YEARS
4. NAGEGOWDA
S/O SVALEGOWDA
AGED ABOUT 74 YEARS
5. LAKSHMAMMA
W/O NAGEGOWDA
AGED ABOUT 66 YEARS



SINCE THE RESPONDENTS NO.2 AND 3 ARE MINORS
REPRESENTED BY THEIR GUARDIAN AND THEIR
MOTHER THE RESPONDENT NO.1

THE PETITIONERS 1 TO 5 ARE
RESIDENTS OF NEELAVADI VILLAGE
BETTADAPURA HOBLI
PIRIYAPATTANA TALUK-571 107
MYSORE DISTRICT.

...APPELLANTS

(BY SRI. CHETHAN B.,ADVOCATE)



AND:

1. SRI PUTTARAJU
S/O PUTTAIAH
MAJOR,
RESIDENT OF AUARTH VILLAGE,
PIRIYAPATNA TALUK-571 107,
MYSORE DISTRICT.
2. THE MANAGER
SRIRAM GENERAL INSURANCE COMPANY LTD.,
NO.3/S EPIP RIICO INDUSTRIAL AREA,
SIRAPURA, JAIPUR
RAJASTHAN-302 022

REPRESENTED BY,
THE BRANCH MANAGER,
SRIRAM GENERAL INSURANCE COMPANY LTD.,
2ND FLOOR, S V CENTRE
GANDHI BAZAR CIRCLE
B.M. ROAD
HASSAN -573 201.

...RESPONDENTS

(BY SRI. B.PRADEEP, ADVOCATE FOR R-2,
R1-SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:30.03.2013 PASSED IN MVC
NO.1753/2009 ON THE FILE OF THE ADDITIONAL DISTRICT
JUDGE & MEMBER, MACT-II, HASSAN PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

Heard the arguments on both sides.

2. This appeal is filed against the judgment and award dated 30.03.2013 passed by the Additional District Judge and MACT II at Hassan (henceforth referred to as 'Tribunal') in MVC No.1753/2009.

3. One Krishnegowda met with an accident on 26.05.2009 at 11.15 a.m. and died subsequently. His wife, children and parents have filed claim petition claiming compensation of Rs.50,00,000/-. The Tribunal considering the entire evidence on record, has granted the compensation of Rs.10,59,280/- with interest at the rate of 6% per annum from the date of petition, till date of realization.

4. Aggrieved by the said judgment and award of the Tribunal, the claimants preferred an appeal, it is mainly contented that the Tribunal erred in assessing the income of the deceased at Rs.10,000/- per month as basic pay. The compensation granted under the conventional heads was on the lower side. Hence, he requested for enhancement of compensation.



5. Krishnegowda was working as a High School Teacher and was earning a salary of Rs.16,000/- per month. However, as per the Service Certificate marked at Ex.P9, his basic pay was Rs.10,000/- per month. Therefore, his income is taken at Rs.10,000/- per month in terms of Ex.P9. He was a Government employee aged 32 years at the time of his death. The deceased was aged 32 years at the time of the accident. Therefore, 50% is to be added towards his future prospectus. Thus, the amount would come to Rs.15000 [10000 + 5000 (50% + 10000)]. Then, $\frac{1}{4}$ th of income of the deceased has to be deducted towards his personal expenses as there are 5 dependents. He was aged 32 years, the multiplier of '16' is to be taken. Therefore, 'loss of dependency' would come to Rs.21,60,000/- (15000 x 12 x 16 - $\frac{1}{4}$).

6. This Court finds it just and reasonable to award Rs.40,000/- towards 'spousal consortium' for claimant No.1, Rs.40,000/- each towards 'parental consortium' for claimant Nos.2 and 3 and Rs.40,000/- each towards 'filial consortium' for claimant Nos.4 and 5. The claimants are also entitled for Rs.30,000/- towards conventional heads.



7. Thus, in all, the claimant is entitled for the following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Loss of dependency (15000 x 12 x 16 - 1/4)	21,60,000
2.	Consortium (40,000 x 5)	2,00,000
3.	Conventional heads	30,000/-
Total		23,90,000/-/-

8. The Tribunal has awarded the compensation of Rs.10,59,280/- but the claimants are entitled to total compensation of Rs.23,90,000/-. Therefore, the claimants are entitled to enhanced compensation of **Rs.13,30,720/-** (Rs.23,90,000 - Rs.10,59,280).

9. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 30.03.2013 passed by the Additional District Judge and MACT II at Hassan in MVC No.1753/2009, is modified.



- iii. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.13,30,720/-** along with the interest at the rate of 6% within one month from the date of this order.
- iv. An amount of **Rs.2,00,000/-** each is apportioned in favour of appellant Nos.4 and 5 and they are permitted to withdraw the said amount along with the interest accrued thereon.
- v. A sum of **Rs.5,00,000/-** each shall be kept in fixed deposit in the names of the minor children, namely appellant Nos.2 and 3, in any nationalized bank, till they attain the age of majority.
- vi. Appellant No.1 is permitted to withdraw the interest accrued on the said fixed deposits once in three months, to meet out their day-to-day expenses. She is permitted to withdraw the balance compensation amount apportioned in her favour along with accrued interest.



- vii. The appellants are not entitled for interest for 839 days delay, as per order of this Court in IA No.1/2015 dated 13.07.2021.

Sd/-
(P SREE SUDHA)
JUDGE

SMC
List No.: 1 Sl No.: 60