



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5119 OF 2025 (MV-D)

BETWEEN:

1. SEKH AHAMMAD
S/O ANSAR ALI,
NOW AGED ABOUT 49 YEARS,
2. SEKH CHHABIYARA @ AJNEYAR BIBI
W/O SEKH AHAMMAD,
NOW AGED ABOUT 45 YEARS,
3. SEKH IDRISH ALI @ SELK ISMAIL.
S/O. SEKH AHAMMAD,
NOW AGED ABOUT 25 YEARS
4. SHUKRIYA KHATUM
D/O SEKH AHAMMAD
NOW AGED ABOUT 23 YEARS
ALL ARE RESIDING AT
AMRAKUCHI,
KAPTA BANKATI,
PASCHIM MEDINIPUR
WEST BENGAL - 721 150

...APPELLANTS

(BY SRI. N.R. RANGEGOWDA, ADVOCATE)

AND:

1. SHANKAR S
S/O LATE. SHANJIVAIAH,



AGED MAJOR, NO.362,
RAMAGONDANAHALLI,
BANGALORE EAST URBAN,
BANGALORE-560 066

2. UNITED INDIA INS CO LTD,
REGIONAL OFFICE,
REP BY ITS, MANAGER,
T.P. HUB, 5TH AND 6TH FLOORS,
KRISHI BHAVANA, HUDSON CIRCLE,
OPP. BBMP OFFICE,
NRUPATHUNGA ROAD,
BANGALORE-560 001

...RESPONDENTS

(BY SRI. K.N. SRINIVASA, ADVOCATE FOR R2

VIDE ORDER DATED 11.07.2025, NOTICE TO R1 D/W)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DT. 02.03.2023 PASSED IN MVC
NO.2446/2022 ON THE FILE OF THE XIV ADDITIONAL SCJ AND
ACMM AND MEMBER, MACT, BENGALURU SCCH-10, 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 MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

The Tribunal passed a common award dated 02.03.2023 in MVC No.2445/2022 and 2446/2022. The present appeal in MFA No.5119/2025 is filed against the award passed in MVC No.2446/2022 by the Court of the XIV Additional Small Causes Judge and ACMM and Member-MACT, Bengaluru (for short, 'the Tribunal') seeking enhancement of compensation.

2. One S.K. Nuralam, met with an accident on 02.03.2022 and subsequently died. The parents and his younger brother filed a claim petition claiming compensation of Rs.50,00,000/-. The Tribunal, after considering the entire evidence on record, awarded a compensation of Rs.19,37,326 /- along with interest at the rate of 6% per annum from the date of petition till realisation.

3. Aggrieved by the said award, the claimants have preferred the present appeal contending that the S.K. Nuralam was aged 17 years and was working as a



building construction labourer earning Rs.25,000/- per month. It is further contended that the Tribunal erred in assessing the monthly income at Rs.12,000/- and that the compensation awarded under the conventional heads is meager. The claimants also seek enhancement of the rate of interest from 6% to 9% per annum.

4. Heard the arguments of both sides.

5. Though it is contended that the S.K. Nuralam was earning Rs.25,000/- per month, no documentary evidence has been produced to substantiate the same. Considering that the accident occurred in the year 2022, this Court finds it reasonable to take notional income of the deceased at Rs.15,500/- per month, as per the chart prepared by the Karnataka State Legal Service Authorities. He was aged 17 years and the applicable multiplier is '18'. He is entitled to an addition of 40% towards future prospects, as he was a bachelor, 50% is to be deducted towards personal expenses. Loss of dependency comes to $\text{Rs.15,500/-} + 40\% \times 12 \times 18 - 50\% = \text{Rs.23,43,600/-}$.



6. The Tribunal has granted a sum of Rs.12,926/- towards medical expense and the same is hereby confirmed.

7. The parents of the deceased are entitled to a sum of Rs.44,000/- by each of them towards filial consortium and they are also entitled for Rs.33,000/- under the conventional heads.

8. Accordingly, the compensation payable is recalculated as follows:

Particulars	Amount in Rs.
Loss of dependency	23,43,600.00
Medical bills	12,926.00
Loss of filial consortium	88,000.00
(Rs.44,000/- x 2)	
Conventional heads	33,000.00
Total	24,77,526.00

9. Thus, the appellants/claimants are entitled to total compensation of Rs.24,77,526/- as against Rs.19,37,326/- awarded by the Tribunal. The enhanced compensation therefore amounts to Rs.5,40,200/-. To



this extent, the award passed by the Tribunal requires modification.

10. In the result, the following order is passed:

ORDER

- i. Appeal is ***allowed in part.***
- ii. The judgment and award dated 02.03.2023 passed in MVC No.2446/2022 by the Court of the XIV Additional Small Causes Judge and ACMM and Member-MACT, Bengaluru, is hereby modified;
- iii. The Insurance Company having already deposited the compensation awarded by the Tribunal, respondent No.2 is directed to deposit the enhanced compensation of Rs.5,40,200/- with interest at the rate of 6% per annum from the date of petition till realization, within a period of one month from the date of this order.



- iv. On such deposit, appellant Nos.1 and 2 (parents of the deceased) are permitted to withdraw the entire compensation along with interest accrued on it in equal proportion.
- v. It is observed that appellant Nos.3 and 4 was dependent on appellant No.1 and not on the deceased. Hence, appellant Nos.3 and 4 are not entitled for any compensation.

Sd/-
(P SREE SUDHA)
JUDGE