IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 788 OF 2020 (MV-D)

BETWEEN:

1. SRI. ARASU N.
   S/O LATE NANJAIAH,
   AGED ABOUT 68 YEARS,

2. SRI MANJUNATHA A.
   S/O ARASU N.,
   AGED ABOUT 37 YEARS,

3. SRI MADHUSUDHAN A
   S/O ARASU N,
   AGED ABOUT 35 YEARS,

   ALL ARE R/AT NO.55,
   4TH CROSS, 2ND STAGE,
   INDUSTRIAL SUBURB,
   VISHWESHWARANAGAR,
   MYSORE SOUTH, MYSORE-34

…APPELLANTS

(BY MS. PAVANA B.K., ADVOCATE FOR
SRI. PRATHEEP K.C., ADVOCATE)

AND:

1. NAGAPPA @ NAGANNAGOWDA SINDHAGI
   S/O BHARMAGOWDA,
   AGED ABOUT 54 YEARS,
   R/AT HUBBAHALLI VILLAGE AND POST,
   DHARWAD DISTRICT,

AT PRESENT C/O HALLIGAPPA,
RAMADURGA DISTRICT,
BELAGUM DISTRICT-78

2. JAYAMMA JAYANTHI MARIA SEQUIERA
W/O MELWIN FRANCIES SEQUIERA,
AGED ABOUT 50 YEARS,
R/AT UDAYAVARA VILLAGE,
SAKALESHPURA TALUK,
HASSAN DISTRICT-34

3. THE BRANCH MANAGER,
M/S UNITED INDIA INSURANCE CO LTD.,
NO 7-A, PANDIYAN BUILDING,
WEST VELI STREET,
MADURAI - 625 001

4. MANOHAR BHARATHI S
MAGOR
R/AT NO.55, 4TH CROSS II STAGE,
INDUSTRIAL SUBURB,
VISHWESHWARA NAGAR,
MYSURU SOUTH,
MYSURU-8

5. THE BRANCH MANAGER
BHARATHI AXA GEN. INS.CO. LTD,
PRIDE QUARDRA NO.30,
III FLOOR, BALLARI ROAD,
HEBBAL, BENGALURU-24

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R3
NOTICE TO R1, R2, R4 AND R5 IS DISPENSED WITH
VIDE ORDER DATED 27.03.2023)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 15.05.2019 PASSED IN MVC NO.26/2015 ON THE FILE OF THE MEMBER, MACT, JUDGE, ADDITIONAL COURT OF SMALL CAUSES, MYSURU, PARTLY

ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION BARRED BY TIME AND ETC.

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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. The present appeal has been filed seeking to challenge the Judgment and Award dated 15.05.2019 in MVC No.26/2015, passed by the Learned Additional Small Causes Judge and Senior Civil Judge and Member, MACT, Mysuru, [hereinafter referred to as the 'Impugned Award'].

2. By the Impugned Award, the appellants/claimants have been awarded a compensation in a sum of Rs.7,60,000/- with interest at the rate of 6% p.a.

3. Briefly the facts are that, on 21.10.2014 around 8.15 p.m. the deceased was traveling in car bearing No.KA-03 MU-0637 near Yellyur Kodi, Toobinakere on Bengaluru-Mysuru road, when the lorry bearing KA-46-

4649 being driven by the respondent No.1 in a rash and negligent manner collided with the appellants' car, which resulted in the death of the deceased. The claim petition was filed by the husband and children of the deceased before the learned Tribunal.

4. The petition was contested by the respondent No.3-Insurance company (insurer of the offending vehicle) as well as respondent No.5 (insurer of the vehicle in which the deceased was traveling) before the learned Tribunal.

5. The written statements were filed by the respondents/Insurance Company raising several grounds including that the driver of the vehicle was under the influence of alcohol. However, the driver did not appear before the learned Tribunal and was placed *exparte.*

6. Based on the pleadings between the parties the learned Tribunal framed the following issues and additional issue:

> *"1. Whether the petitioners prove that deceased Smt.Cheluvamba Arasu N. died on account of the road traffic accident arising out of use of vehicle*

bearing Regn.No.KA-46-4649, occurred on 21.10.2014 at about 8.15 p.m. due to the actionable negligent driving of its driver?

2. Whether the petitioners are entitled for any compensation? if so, at what extent, from whom and at what proportion?

3. What order or relief?

ADDITIONAL ISSUE

1. Whether the respondent No.5 proves that the respondent No.1 was intoxicated and the accident has occurred due to his negligent as contended in para No.2 of written statement of respondent No.5?"

7. Since there was several claim petitions were filed by other parties involved in the same accident, evidence was adduced in claim petition MVC No.26/2015.

8. Appellant No.1 was examined as PW.1 and filed documents and got marked as Ex.P.1 and Ex.P2. The respondents examined their Administrative Officer as RW.1 and RW.2 and four documents were marked as Exs.R1 to R4.

9. The learned Tribunal after examining the evidence found that the case of the appellants that deceased was

the wife and mother of the appellants and that she was the house wife managing the household work.

10. The learned Tribunal calculated the notional income taking into account and deducting 1/3rd of personal expenses (husband and 2 children) and applying multiplier of '11' (since the deceased was aged 55 years) awarded the following compensation:

Sl.No.	**Heads**	**Amount (Rs.)**
1	Loss of Dependency	6,60,000/-
2	Loss of Love And Affection	30,000/-
3	Loss of Consortium	40,000/-
4	Loss of Estate	15,000/-
5	Transportation of dead body and funeral expenses	15,000/-
	Total Compensation	**7,60,000/-**

11. The learned counsel for the appellant has raised two grounds of challenge in the present appeal. Firstly, it is submitted that the notional income of the deceased was wrongly taken as Rs.7,500/- per month. Since the accident occurred in the year 2014, the notional income was required to be taken as Rs.8,500/- per month.

Secondly, learned counsel for the appellant has submitted that the future prospects was not awarded. No other ground is urged before this Court.

12. Learned counsel for the respondents does not dispute, in the year 2014 the notional income was Rs.8,500/-. He also fairly concedes that no future prospects have been awarded.

13. Having heard learned counsel for both the parties and on perusal of the appeal, the following issues arise for consideration before this Court:

> *"1. Whether the quantum of compensation awarded by the Tribunal is just and reasonable or does it call for enhancement?"*
>
> *2. Whether the claimant is entitled to addition of future prospects of the deceased housewife while computing loss of dependency?"*

14. This Court has examined the award of the learned Tribunal. While calculating the loss of dependency, the income of the deceased has been taken at Rs.7,500/-. There is no dispute that there were three dependents (at that time) so 1/3rd would be required to be deducted

towards personal expenses. Given that the deceased was aged 55 years and the applicable multiplier is '11'. Accordingly, the loss of dependency would be calculated in the following manner:

Head	**Amount (Rs.)**
Loss of Dependency	8,500 x 1/3 x 12 x 11 + 10% **= Rs.8,22,888/-**

15. The learned Tribunal has awarded towards loss of love and affection Rs.30,000/- and towards loss of consortium Rs.40,000/-.As per the decision of the Hon'ble Apex Court in the case of ***Smt. Sarla Verma and Others Vs Delhi Transport Corporation and Another***[1] and ***National Insurance Co. Ltd. Vs. Pranay Sethi***[2], loss of consortium would be Rs.40,000/- for each dependent and here, there are 3 dependents, hence, Rs.40,000/- x 3 = Rs.1,20,000/- is to be awarded under the head loss of consortium and 10% towards future prospects is to be granted.

[1] (2009) 6 SCC 121
[2] (2017) 16 SCC 680

16. The Supreme Court in the case of ***Rajendra Singh v. National Insurance Co. Ltd.***[3] held that even in the case of a housewife, an addition towards future prospects is permissible while assessing compensation. The Court observed that the contribution of a housewife to the family would naturally increase with age, experience and maturity; therefore, an addition towards future prospects must be made to the notional income while computing the loss of dependency. The relevant extract reads as follows:

> *"10. In Arun Kumar Agrawal v. National Insurance Co. Ltd. [Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218 : (2010) 3 SCC (Civ) 664 : (2010) 3 SCC (Cri) 1313] , the Tribunal assessed the notional income of the housewife at Rs 5000 per month, but without any rationale or reasoning concluded that she was a non-earning member and reduced the same to Rs 2500, which was affirmed [Arun Kumar Agrawal v. National Insurance Co. Ltd., FAFO No. 2408 of 2003, order dated 30-4-2004 (All)] by the High Court. Disapproving the same and restoring the assessed income, this Court observed at paras 26 and 27 as follows : (SCC pp. 237-38)*
>
> > *"26. **In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money.** The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others.* ***A wife/mother***

[3] (2020) 7 SCC 256

> ***does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life.*** *A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc., but she can never be a substitute for a wife/mother who renders selfless service to her husband and children.*
>
> *27.* ***It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family i.e. the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, the term "services" is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife. They are entitled to adequate compensation in lieu of the loss of gratuitous services rendered by the deceased. The amount payable to the dependants cannot be diminished on the ground that some close relation like a grandmother may volunteer to render some of the services to the family which the deceased was giving earlier."***

11. The notional income of the first deceased is therefore held to be Rs 5000 per month at the time of death. The compensation on that basis with a deduction of 1/4th i.e. Rs 15,000 towards personal expenses with a multiplier of 17 is assessed at Rs 7,65,000. ***If the deceased had survived, in view of observations in*** **Lata Wadhwa** *[Lata Wadhwa v. State of Bihar, (2001) 8 SCC 197] ,* ***her skills as a matured and skilled housewife***

in contributing to the welfare and care of the family and in the upbringing of the children would have only been enhanced by time and for which reason we hold that the appellants shall be entitled to future prospects @ 40% in addition to the loss of consortium and future expenses already granted. We therefore assess the *total compensation payable to the appellants in the first appeal at Rs.11,96,000."*

[Emphasis Supplied]

17. In view of the discussions as stated above, the compensation awarded is required to be enhanced in the following manner:

Sl. No.	**Heads**	**Amount (Rs.)**
1	Loss of dependency	8,22,888/-
2	Loss of Love and affection	30,000/-
3	Loss of Consortium	1,20,000/-
4	Loss of estate	15,000/-
5	Transportation of dead body and funeral expenses	15,000/-
	Total	**10,02,888/-**
	Less: Awarded by Tribunal	**7,60,000/-**
	Enhanced Compensation	**2,42,888/-**

18. Hence, the appellants/claimant are entitled to total compensation of **Rs.10,02,888/-** along with interest at the rate of 6% per annum from the date of petition till the date of realization.

19. Accordingly, the Court proceeds to pass the following directions:

ORDER

(i) The appeal is ***allowed-in-part.***

(ii) The Impugned Judgment and Award dated 15.05.2019 passed by the XX Additional Small Causes Judge, Mysuru, in MVC No.26/2015 is modified, enhancing the compensation of **Rs.2,42,888/-** [Rupees Two Lakhs Forty Two Thousand Eight Hundred and Eighty Eight] along with interest applicable thereon as awarded by the learned Tribunal.

(iii) The Respondent No.3/Insurance Company shall deposit the enhanced compensation with interest applicable thereon, as awarded by the learned Tribunal, within a period of eight weeks from the date of receipt of a copy of this judgment.

(iv) The remaining portion of the Impugned Award of the Tribunal remains undisturbed.

(v) On such deposit of compensation, the same shall be released in favour of the appellants/claimants in accordance with the terms as set out in the Impugned Award.

(vi) The Registry is directed to draw the modified Award accordingly.

(vii) The Registry is directed to transmit a copy of this judgment to the concerned Tribunal, along with its records.

(viii) No order as to costs. All pending applications stand closed.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNTAKA

(TARA VITASTA GANJU)
JUDGE

PSJ /JJ List No.: 1 Sl No.: 6