



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 79 OF 2020 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 91 OF 2020 (MV-D)

IN MFA No. 79/2020

BETWEEN:

1. SMT. VASANTHI
AGED ABOUT 37 YEARS
W/O. LATE KOOSAPPA,
2. SAROJINI
NOW 16 YEARS
D/O. LATE. KOOSAPPA,

APPELLANT NO.2 IS MINOR
REP. BY HER NATURAL GURDIAN
MOTHER / 1ST APPELLANT SMT. VASANTHI,

BOTH ARE R/AT NO. BOLLARAGURI HOUSE,
BELIYOORKATTER, BALNADU VILLAGE,
PUTTUR TALUK, DAKSHIN KANNADA
DISTRICT - 574201.

APPELLANTS

(BY SRI. PRASANNA K., ADVOCATE)

AND:

1. SHEENAPPA
AGED ABOUT 47 YEARS



S/O. KORAGU,
R/AT NO D.NO. 3-174,
VARGRAMOOLE HOUSE,
NETTINEMUDNOOR VILLAGE,
ISHWARAMANGILA, PUTTUR TALUK ,
DAKSHINA KANNADA
DISTRICT- 574201.

2. THE MANAGER, THE IFFCO TOKIO
GENERAL INSURANCE CO LTD
MAIN BRANCH, COURT ROAD,
PUTTUR TALUK,
DAKSHINA KANNADA DISTRICT- 574201.

RESPONDENTS

(BY SRI. B. PRADEEP., ADVOCATE FOR R2;
V/O DT 28.02.2023, NOTICE TO R1 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 29.07.2019 PASSED IN MVC
NO.1520/2017 ON THE FILE OF THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE AND MEMBER ADDITIONAL MACT, D.K,
MANGALURU SITTING AT PUTTUR D.K, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 91/2020

BETWEEN:

1. SMT. RENUKA MARUTHI LAKKANNAVAR
AGED 28 YEARS,
W/O HANUMANTHA M
R/O SAMPYA POLICE QUARTERS,
SAMPYA PUTTUR TALUK
NOW R/O TONDIKATTI
TONDIKATTI VILLAGE,
RAMADURGA
BELGAUM PIN-580018.



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2. ERAVVA
NOW 57 YEARS,
W/O MAHADEVAPPA POOJARY,
3. MAHADEVAPPA POOJARY
S/O KRISHNAPPA POOJARY
AGED ABOUT 62 YEARS,
APPELLANTS NO.2 AND 3 ARE
R/AT HALLICHIKKA HEREHEDLOOR
BAGALKOTE, BAGALKOTE DISTRICT
PIN-580032.

APPELLANTS

(BY SRI.B.B. BALLARI.,ADVOCATE FOR A1;
SRI. PRASANNA.K., ADVOCATE FOR A2)

AND:

1. SHEENAPPA
AGED 47 YEARS,
S/O KORAGU
R/AT D NO.3-174
VAGRAMOOLE HOUSE, NETTINEMUDNOOR
VILLAGE, ISHWARAMANGILA, PUTTUR TALUK
DAKSHINA KANNADA DISTRICT
PIN-574201.
2. THE MANAGER
THE IFFCO TOKIO GENERAL INSURANCE CO LTD
MAIN BRANCH COURT ROAD, PUTTUR TALUK
DAKSHINA KANANDA DISTRICT
PIN-574201.

RESPONDENTS

(BY SRI. B. PRADEEP.,ADVOCATE FOR R2;
V/O DT 28.02.2023 NOTICE TO R1 IS DISPENSED
WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED. 29.07.2019, PASSED
IN MVC NO.1516/2017, ON THE FILE OF THE V-



NC: 2026:KHC:16511
MFA No. 79 of 2020
C/W MFA No. 91 of 2020

ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER, ADDITIONAL MACT, D.K., MANGALURU SITING AT PUTTUR, D.K., PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

These appeals have been filed by the claimants challenging common judgment and award dated 29.07.2019 passed in MVC.Nos.1516/2017 and 1520/2017 by the V Additional District and Sessions Judge and Member, Additional MACT., DK, Mangaluru, sitting at Puttur, D.K, (for short, `Tribunal).

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

3. Learned counsels Sri Prasanna K. and B.B. Ballari, appearing for the appellants in both the appeals submitted that the Tribunal has committed an error in assessing the income of the deceased. In MVC.No.1516/2017 the deceased



Hanumantha, M, was working as a Constable and he was drawing more than Rs.21,000/- per month and in MVC.No.1520/2017 the deceased Santhosh B, was working in Hitachi as a helper under Murali Krishna, who has deposed before the Tribunal as PW.5 and earning Rs.600/- per day. Hence, his income is required to be assessed more than Rs.18,000/- per month. It is submitted that, the Tribunal has made an error in awarding compensation on behalf of loss of consortium and other heads. Hence, they seek to allow the appeals.

4. *Per contra*, Sri. B Pradeep, learned counsel appearing for respondent No.2 - insurance company supports the impugned judgment and award of the Tribunal and submits that, insofar as the deceased in MVC.No.1516/2017 is concerned the Tribunal has recorded the detailed reasons at paragraph No.23 and assessed the income at Rs.13,941.33/- which does not call for any interference. It is submitted that, the award of compensation awarded by the Tribunal in both the cases is just and proper and there is no scope for enhancement.



5. I have heard the arguments of learned counsel for the appellants and learned counsel for respondents and meticulously perused the material available on record.

6. The point that arises for consideration in these appeals is:

"Whether the impugned common judgment and award of the Tribunal calls for any interference?"

7. The above point is answered in the 'affirmative' for the following reasons:

a. The appellants in both the appeals as well as the insurance company are not in dispute that in a road accident dated 04.09.2017, one Hanumantha. M and Santhosh. B, sustained grievous injuries and succumbed to those injuries. The parties to the proceeding do not dispute with regard to the applicable multiplier and the appropriate deductions. The dispute mainly in these appeals is with regard to the income as well as award of compensation under the heads of loss of consortium. Considering these facts, I am of the considered view that the compensation awarded by the Tribunal in both the claim petitions are required to be re-assessed.



b. In **MVC.No.1516/2017** admittedly, the deceased Hanumantha. M, was working as a Police Constable at Sampya Police Station at the time of accident. The claimants in order to prove the income have produced Exs.P11, 12 and 29 the salary slips. Perusal of the salary slips indicates that the basic salary of the deceased was Rs.13,900/-, Rs.602/- as a DA and Rs.1,000/- as a HRA, in total Rs.20,912/-, the said income is required to be assessed for the purpose of award of compensation by deducting Rs.200/- towards the professional tax. Hence, the income of the deceased Hanumantha. M, is re-assessed at $(Rs.20,912/- - 200/-) = Rs.20,712/-$.

c. The deceased was aged about 32 years. Hence, 50% of the assessed income is added towards loss of future prospects of the deceased. Appropriate multiplier would be '16' and deduction would be $1/3^{rd}$. Hence, the compensation under the loss of dependency in MVC.No.1516/2017 is as under $Rs.20,712/- + 50\% \times 12 \times 16 - 1/3 = Rs.39,76,704/-$.

d. The claimants are the wife and parents, hence they are entitled to consortium at the rate of Rs.40,000/- each with 10% escalation which would be $Rs.44,000 \times 3 = Rs.1,32,000/-$.



e. The claimants are entitled for compensation of Rs.15,000/- + 10% escalation under the head of loss of estate i.e., for Rs.16,500/-.

f. The claimants are entitled for compensation of Rs.15,000/- + 10% escalation under the head of transportation of dead body and funeral expenses i.e., for Rs.16,500/-.

8. Thus, the appellants - claimants in MVC.No.1516/2017 would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Loss of dependency	39,76,704/-
Loss of consortium	1,32,000/-
Transportation of dead body & funeral expenses	16,500/-
Loss of estate	16,500/-
Total	41,41,704/-

Thus, the appellants-claimants in MVC.No.1516/2017 shall be entitled to a total compensation of Rs.41,41,704/- as against Rs.33,50,412/- awarded by the Tribunal.

g. Insofar as in **MVC.No.1520/2017** it is contended by the claimants that the deceased Santhosh. B, was working as helper in Hitachi, owned by Sri Murali. Krishna - PW.5. As



per the evidence of PW.5 and Ex.P21, the deceased was receiving wage of Rs.500/- per day and Rs.100/- bata. Considering the said evidence, the Tribunal assessed the wage of the deceased at Rs.15,500/- per month. In my consideration, the same is the consonance with the material available on record, which does not call for any modification.

h. Admittedly, the deceased was a bachelor. Hence, deduction would be 50% towards the personal and living expense of the deceased. The age of the deceased was aged about 19 years at the time of accident, appropriate multiplier would be '18' and he would be entitled to an addition of 40% of the assessed income under the head of loss of future prospects. Hence, the loss of dependency is re-assessed as under $\text{Rs.15,500/-} + 40\% \times 12 \times 18 - 50\% = \text{Rs.23,43,600/-}$.

i. The claimants are mother and sister. Hence both would be entitled to loss of consortium at the rate of Rs.40,000/- with 10% escalation each which would be $\text{Rs.44,000} \times 2 = \text{Rs.88,000/-}$.

j. The claimants are entitled for compensation of Rs.15,000/- + 10% escalation under the head of loss of estate i.e., Rs.16,500/-.



k. The claimants are entitled for compensation of Rs.15,000/- + 10% escalation under the head of transportation of dead body and funeral expenses i.e., Rs.16,500/-.

9. Thus, the appellants - claimants in MVC.No.1520/2017 would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Loss of dependency	23,43,600/-
Loss of consortium	88,000/-
Transportation of dead body & funeral expenses	16,500/-
Loss of estate	16,500/-
Total	24,64,600/-

Thus, the appellants-claimants in MVC.No.1520/2017 shall be entitled to a total compensation of **Rs.24,64,600/-** as against Rs.18,73,063/- awarded by the Tribunal.

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

ORDER

- i) Both the appeals are ***allowed in part.***
- ii) The impugned judgment and award dated 29.07.2019 passed in MVC.Nos.1516/2017 and 1520/2017 by the Tribunal is modified to an



extent that the appellants-claimants would be entitled to total compensation of **Rs.41,41,704/-** as against Rs.33,50,412/- in MVC.No.1516/2017 and **Rs.24,64,600/-** as against Rs.18,73,063/- in MVC.No.1520/2017 awarded by the Tribunal .

- iii) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till its realisation.
- iv) Respondent Nos.1 and 2 are jointly and severally liable to pay the compensation amount to the appellants - claimants.
- v) Respondent No.2 - insurance company is directed to deposit the compensation amount before the Tribunal within a period of one month from the date of receipt of certified copy of this judgment.
- vi) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- vii) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE