



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.10300/2018 (MV-D)

BETWEEN:

1. SRI. SYED ASLAM
S/O SRI. SYED NAWAB
AGED ABOUT 35 YEARS.

2. SMT. SHABINA
W/O SRI SYED ASLAM
AGED ABOUT 33 YEARS.

BOTH ARE R/AT. BARABARA BEEDHI
MAGADI MAIN ROAD
RAMANAGARA.

PRESENTLY R/A NO.50, 4TH MAIN
8TH CROSS, VIJAYANAGRA
BENGALURU-560040.

...APPELLANTS

(BY SRI. N.R. NAIK, ADV.,)

AND:

1. SRI. M.S. DINESH
S/O SRI. SHANKARAI AH
MACHAGHATTA
NONAVINAKERE HOBLI
TIPATUR TALUK
TUMKUR-572224.

2. UNITED INDIA INSURANCE
COMPANY LIMITED

Digitally signed
by ARSHIFA
BAHAR KHANAM

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:16307
M.F.A. No.10300/2018

REGIONAL OFFICE
5TH FLOOR, KRUSHI BHAVANA
NRUPATHUGNA ROAD
HUDSON CIRCLE
BENGALURU-560027.

...RESPONDENTS

(BY SRI. B.S. KRISHNA, ADV., FOR R2
V/O/DTD:12.09.2022, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:07/07/2018, PASSED IN MVC NO.1732/2015, ON THE FILE OF THE XXII ADDITIONAL SMALL CAUSES JUDGE & MEMBER, MACT, BENGALURU, 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 MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the parents seeking for higher compensation challenging the judgment and award dated 07.07.2018 passed in MVC.No.1732/2015 by the XXII Additional Small Causes Judge & Member, MACT, Bengaluru, (for short 'the Tribunal').



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

3. Sri.N.R.Naik, learned counsel appearing for the appellants submits that the Tribunal has erred in assessing the income of the deceased minor at Rs.15,000/- per annum. He therefore seeks to reassess the income of the deceased minor on the basis of minimum wages and the award of compensation under the heads of loss of dependency, consortium and other miscellaneous expenses and seeks to allow the appeal.

4. Per contra, Sri.B.S.Krishna, learned counsel for respondent No.2 supports the impugned judgment and award of the Tribunal and seeks to dismiss the appeal.

5. I have heard the arguments on both the sides and meticulously perused the material available on record.



6. The parties to the proceedings do not dispute that in a road accident on 29.05.2014, the son of the appellants sustained grievous injuries and succumbed to the same. It is also not in dispute that the deceased was aged about 8 years at the time of the accident. The Tribunal, considered the evidence on record and awarded a total compensation of Rs.2,75,000/- along with the interest at the rate of 8% per annum from the date of petition till the date of deposit.

7. The Hon'ble Supreme Court in the case of **Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari and Another¹** held as under:

"9. The aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child

¹ 2025 INSC 1070



*was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises. The said observation was rendered by this Court, in *Kajal v. Jagdish Chand and Ors*², and *Baby Sakshi Greola v. Manzoor Ahmad Simon and Anr*³*

15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law."

8. Keeping in mind the enunciation of law laid down by the Hon'ble Supreme Court in the case referred *supra*, I am of the considered view that the minimum wage of the minor must be notionally assessed and the appropriate multiplier to be applied to determine the

² (2020) 4 SCC 413

³ 2024 SCC Online SC 3692



compensation. Admittedly, the deceased was aged about 8 years and accident is of the year 2014. Considering these factual matrix, the income of the deceased is notionally assessed at Rs.8,500/- per month by placing reliance on the notional income chart prepared by the KSLSA. The Hon'ble Supreme Court in the aforesaid decision has applied a multiplier of 18, wherein the deceased was aged about 8 years. Accordingly, it would be appropriate to apply a multiplier of 18 to assess the compensation under the head of loss of dependency. Having assessed the income of the deceased at Rs.8,500/- per month and considering the age of the deceased minor as 8 years, the appellants-claimants are further entitled to an addition of 40% of the assessed income under the head of loss of future prospects in view of the law laid down by the Hon'ble Supreme Court in the case of ***National Insurance Company Limited v. Pranay Sethi and Others***⁴. The appellants are the parents of the deceased

⁴ (2017) 16 SCC 680



and they are entitled to compensation under the head of loss of consortium as per the law laid down by the Hon'ble Supreme Court in the case of ***Magma General Insurance Co.Ltd v Nanu Ram @ Chuhru Ram and Others***⁵. It is not in dispute that the deceased was a minor at the time of the accident; hence, an appropriate deduction would be 50% of the assessed income towards the personal and living expenses of the deceased in view of the law laid down by the Hon'ble Supreme Court in the case of ***Smt.Sarla Verma and Others v Delhi Transport Corporation and Another***⁶. Hence, the appellants-claimants are entitled to compensation towards ***loss of dependency*** as under:

$$\text{Rs.8,500} + 40\% \times 12 \times 18 - 50\% = \text{Rs.12,85,200/-}$$

9. The appellants-claimants would also be entitled to a sum of **Rs.15,000/-** under the head of 'loss of estate' and **Rs.15,000/-** under the head of 'funeral expenses &

⁵ (2018) 18 SCC 130

⁶ (2009) 6 SCC 121



transportation of dead body'. The appellants-claimants are also entitled to a sum of **Rs.40,000/- each** towards **loss of consortium**.

10. Thus, in all, the appellants-claimants shall be entitled to modified compensation under the following heads:

HEADS	AMOUNT (in Rs.)
Loss of dependency	12,85,200/-
Loss of consortium (Rs.40,000 X 2)	80,000/-
Transportation of dead body & funeral expenses	15,000/-
Loss of estate	15,000/-
Total	13,95,200/-

Thus, the claimants shall be entitled to a total compensation of **Rs.13,95,200/-** as against Rs.2,75,000/- awarded by the Tribunal.

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

ORDER

a) Appeal is **allowed in part**.



- b) The impugned judgment and award of the Tribunal is modified to an extent that the claimants would be entitled to total compensation of **Rs.13,95,200/-** as against Rs.2,75,000/- awarded by the Tribunal.
- c) The compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment.
- d) The Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.
- e) Out of the total compensation, 50% shall be awarded to Appellant No.1 and 50% to Appellant No.2. Out of their share, 50% of the award amount shall be kept in fixed deposit in any Nationalized Bank/Schedule Bank for a period of three (3) years. The



appellants are at liberty to withdraw the periodical interest.

f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 6