



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.1522/2020 (MV-D)

BETWEEN:

1. SMT. PUTTAMMA
W/O LATE SURESH
AGED ABOUT 38 YEARS.
2. TEJASHWINI V.S.
D/O LATE SURESH
AGED ABOUT 21 YEARS.
3. YESHWANTH V.S.
S/O LATE SURESH
AGED ABOUT 18 YEARS.
4. SRI. KUNNEGOWDA
S/O LATE BILI SHIVANEGOWDA
AGED ABOUT 72 YEARS.
5. SMT. NINGAMMA
W/O KUNNEGOWDA
AGED ABOUT 67 YEARS.

ALL ARE R/AT.
VARAGERAHALLI VILLAGE
KASABA HOBLI, KANAKAPURA TALUK
RAMANAGARA DIST-562117.

...APPELLANTS

(BY SMT. NITHYA V, ADV., FOR
SRI. PRAKASH M.H. ADV.,)

Digitally signed
by ARSHIFA
BAHAR KHANAM
Location: HIGH
COURT OF
KARNATAKA



AND:

1. RELIANCE GEN. INS. CO. LTD.,
OFFICE AT 2ND FLOOR
BALAJI ENCLAVE NO.782, 2ND FLOOR
ABOVE BATA SHOW ROOM
16TH MAIN ROAD, 2ND STAGE
BTM LAYOUT, BENGALURU-560075
REP. BY ITS MANAGER.
2. SRI. MANJUNATH
S/O RAMU
MAJOR
R/AT. ATHIKUPPE VILLAGE
MARALAVADI HOBLI
KANAKAPURA TALUK
RAMANAGARA DIST-562117.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL, ADV., FOR R1
NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.11.09.2019 PASSED IN MVC NO.6799/2017 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU, (SCCH-7), 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 claimants challenging the judgment and award dated 11.09.2019 passed in MVC.No.6799/2017 by the IX Additional Small Causes Judge and Additional MACT, Bengaluru, (SCCH-7), (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. Smt.Nithya V., learned counsel for Sri.Prakash M.H., learned counsel appearing for the appellants submits that the Tribunal has committed an error in assessing the income of the deceased at Rs.9,000/- per month, as he was an agriculturist earning more than Rs.20,000/- per month. It is submitted that the award of compensation under the head of loss of consortium is also on the lower side. Hence, she seeks to allow the appeal.



4. Per contra, Sri.Ashok N. Patil, learned counsel for respondent No.1 supports the impugned judgment and award of the Tribunal and submits that no proof of income was placed before the Tribunal, hence, the income has been rightly assessed at Rs.9,000/- per month. It is submitted that the Tribunal has awarded just and reasonable compensation and there is no scope for enhancement. Accordingly, he seeks to dismiss the appeal.

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

6. The parties to the proceedings are not in dispute that the husband of appellant No.1 Sri.Suresh met with an accident on 12.09.2017 and succumbed to the injuries sustained therein. The deceased was aged about 38 years at the time of the accident and it was claimed that he was an agriculturist earning Rs.20,000/- per month; however, no evidence was placed before the



Tribunal to substantiate the same. Hence, his income is notionally reassessed at Rs.11,000/- per month by placing reliance on the notional income chart prepared by the KSLSA. Having reassessed the income of the deceased at Rs.11,000/- per month and considering the age of the deceased as 38 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*¹**. As the appellants-claimants are the wife, children and parents of the deceased, the appropriate deduction towards personal and living expenses should be one-fourth and multiplier should be 15, which has been rightly considered by the Tribunal. Accordingly, the compensation towards **loss of dependency** is reassessed as under:

$$\text{Rs.11,000} + 40\% \times 12 \times 15 - 1/4^{\text{th}} = 20,79,000/-$$

¹ (2017) 16 SCC 680



7. The appellants-claimants, being the wife, children and parents of the deceased are entitled to compensation under conventional heads. The Tribunal has awarded a sum of **Rs.15,000/-** towards **loss of estate** and **Rs.15,000/-** towards **funeral expenses** which do not call for any interference. Further, the appellants-claimants are also entitled to a sum of **Rs.40,000/- each** towards **loss of consortium**.

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

HEADS	AMOUNT (in Rs.)
Loss of dependency	20,79,000/-
Loss of consortium (Rs.40,000 X 5)	2,00,000/-
Transportation of dead body & funeral expenses	15,000/-
Loss of estate	15,000/-
Total	23,09,000/-

Thus, the claimants shall be entitled to total compensation of **Rs.23,09,000/-** as against Rs.17,71,000/- awarded by the Tribunal.



9. 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.23,09,000/-*** as against Rs.17,71,000/- 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) The apportionment, deposit and disbursement shall be made as per award of the Tribunal.
- f) The Registry is directed to transmit the records to the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 13