



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 6922 OF 2024 (MV-D)

BETWEEN:

1. SMT. ANURADHA,
W/O JANARDHANA GOWDA,
AGED ABOUT 39 YEARS,
 2. MR. JANARDHANA GOWDA,
S/O DOMANNA GOWDA,
AGED ABOUT 50 YEARS,
 3. MASTER ASHWITH J,
S/O JANARDHANA GOWDA,
AGED ABOUT 9 YEARS,
MINOR REPRESENTED BY
HIS NATURAL GUARDIAN AND
MOTHER SMT. ANURADHA
I.E., APPELLANT NO.1,
- ALL ARE RESIDING AT
KEREKODI DHARKAS, KALLERI POST,
KARAYA BELTHANGADY TALUK,
D.K. DISTRICT -574 236.

...APPELLANTS

(BY SRI. RAVISHANKAR SHASTRY G., ADVOCATE)

AND:

1. M/S EVERGREEN TRAILOR SERVICE
NO. 6/336-A5, PARAMATHU ROAD,
OPP NTLOA PETROL PUMP,
NAMAKAL, TAMILNADU - 637 001.
2. THE DIVISIONAL MANAGER,
ICICI LOMBARD GEN. INS. CO LTD.,





MAXIMUS COMMERCIAL COMPLEX,
2ND FLOOR, OFFICE NO 22,
LIGHT HILL ROAD,
JAMPANAKATTA MANGALORE,
D K DISTRICT - 575 001.

3. THE DIVISIONAL MANAGER,
NEW INDIA ASSURANCE CO. LTD.,
ABOVE MALABAR GOLD,
OPP. ATHENA HOSPITAL FALNIR
MANGALORE, D K DISTRICT - 575 001.

...RESPONDENTS

(BY SRI. JAGADISH P.S., ADVOCATE FOR R2,
V/O/D 19.02.2025 NOTICE TO R1 AND R3 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 14.03.2024 PASSED IN MVC
NO.87/2022 ON THE FILE OF THE I ADDITIONAL DISTRICT
JUDGE AND MACT, MANGALURU, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed against the judgment and award dated
14.03.2024 passed in MVC No.87/2022 by the I Additional
District Judge & MACT-II, Mangaluru.

2. One Adhvaith J, aged about 15 years, met with an
accident on 06.09.2021 and died subsequently. His parents and
brother filed claim petition claiming compensation of



Rs.25,00,000/-. The Tribunal, considering the entire evidence on record, granted compensation of Rs.5,60,000/- with interest at 6% per annum from the date of petition till realization.

3 Aggrieved by the said order, this appeal is filed seeking enhancement of compensation.

4 Learned counsel for the appellant contended that though the Tribunal has taken the notional income of Rs.30,000/- per annum, future prospects has not been added to the notional income as per the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited Vs. Pranay Sethi***¹. Further, the Tribunal has not added escalation of 10% to the compensation under the heads consortium and funeral expenses as per the judgment of the Hon'ble Supreme Court in ***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram & others***². The rate of interest on compensation awarded by the Tribunal 6% p.a. needs to be enhanced to 9%p.a.

¹ (2017) 16 SCC 680

² (2018) 18 SCC 130



5. Learned counsel for respondent No.2 contended that the Tribunal rightly considered all the aspects and granted reasonable compensation and it needs no interference.

6. In this case, deceased was aged 15 years and he was studying 10th class. He met with an accident in the year 2021. Therefore, it is reasonable to take notional income of 15,000/- per month as per the chart prepared by Karnataka State Legal Services Authority. Considering the age of the mother as 37 years at the time of the accident, this Court finds it reasonable to take the multiplier as 15. 40% of income is to be added towards future prospects as per the judgment of the Hon'ble Supreme Court in ***Pranay Sethi's*** case referred to supra and 50% is to be deducted towards personal expenses as per the guidelines of the Hon'ble Supreme Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation***³. Thus, the loss of dependency comes to Rs.18,90,000/- (15,000 + 40% x 12 x 15 -50%).

7. Further, as per the guidelines of the Hon'ble Supreme Court in the case of ***United India Insurance Company***

³ (2009) 6 SCC 121



Limited vs. Satinder Kaur @ Satwinder Kaur and others⁴, the parents of the deceased are entitled for Rs.44,000/- each for loss of consortium. Thus, Rs.88,000/- is granted towards consortium. Rs.33,000/- is awarded under conventional heads, as per the guidelines of Hon'ble Supreme Court in the case of **Pranay Sethi** referred to supra. Thus, the total compensation comes to Rs.20,11,000/-.

8. In all, petitioner Nos.1 and 2 are entitled for the compensation of Rs.20,11,000/- with interest at 6% per annum as against Rs.5,60,000/- awarded by the Tribunal.

9. The award of compensation passed by the Tribunal is modified as under:

Heads	Amount in Rs.
1. Loss of Dependency (15000+40% X 12 X 15)-50%	18,90,000/-
2. Loss of Consortium 44,000 X 2	88,000/-
3. Towards conventional heads	33,000/-
Total	20,11,000/-

⁴ (2020) 9 SCC 644



10. Since it is stated that petitioners' claim is only Rs.10,00,000/- and Court can grant just compensation even without claim, they are directed to pay deficit Court fee on the excess amount granted by this Court. Registry shall furnish the award only on payment of deficit Court Fee on the excess amount.

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

(i) Appeal is allowed in part.

(ii) Petitioner Nos.1 and 2 are entitled for the total compensation of Rs.20,11,000/- with interest at 6% p.a. from the date of petition till the date of realization.

iii) Respondent Nos.1 and 2 have already deposited the award amount before the Tribunal, and therefore, they are directed to deposit the enhanced amount of Rs.14,51,000/- with interest at 6% per annum within one month from the date of this order.

v) On such deposit, petitioner Nos.1 and 2 are permitted to withdraw the entire amount along with interest accrued on it equally.



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- vi) Petitioner No.3 is aged 9 years and he is depending on petitioner No.2, but not on the deceased. Therefore, he is not entitled for compensation amount.

Sd/-
(P SREE SUDHA)
JUDGE

AKC
List No.: 1 Sl No.: 105