



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 6894 OF 2024 (MV-D)

BETWEEN:

MR S B PRAKASH
S/O. MR. BASAVAPPA. S,
AGED ABOUT 58 YEARS,
R/AT NO. 21, I A CROSS,
OPP. SKF, VIDYANAGAR,
BANGALORE-560 099.

...APPELLANT

(BY SRI. KESHAHA MURTHY B.,ADVOCATE)

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by
PADMA SHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

AND:

1. THE MANAGING DIRECTOR
K.S.R.T.C. DOUBLE ROAD,
SHANTHINAGAR,
BANGALORE-560 027.
2. SRI. B. C. GANESH
S/O NOT KNOWN TO THE PETITIONER,
MAJOR IN AGE,
R/AT NO. 7, SY. NO. 49/1,
THOTADAGUDDAHALLI VILLAGE,



NAGASANDRA POST,
BANGALORE-560 073.

3. M/S. ROYAL SUNDARAM GENERAL INSURANCE
NO.45-46, SUNDARAM TOWER,
CHENNAI-600 014,
REP. BY ITS MANAGER,
POLICY NO. VGCO214259000102
VALID FROM 17.04.2013 TO 16.04.2014.

...RESPONDENTS

(BY SRI. NAGARAJA K., ADVOCATE FOR R1;
VIDE ORDER DATED 27.06.2025;
NOTICE TO R2 D/W;
SRI. H.S. LINGARAJ., ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 21.10.2023 PASSED IN MVC
NO.3936/2013 ON THE FILE OF THE CHIEF JUDGE, COURT OF
SMALL CAUSES, MEMBER, PRL. MACT, BENGALURU SCCH-1,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 21.10.2023 passed in MVC No.3936/2013 on the file of the Chief Judge, Court of Small Causes and Member, Principal Motor Accident Claims Tribunal, Bangalore for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.1/KSRTC and respondent No.3/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The brief facts of the case are that, one Girijamma and S.P.Lohith met with an accident on 12.05.2013. The claimant being husband and father of the deceased filed petitions before the Tribunal for compensation of Rs.15,00,000/- and Rs.10,00,000/- respectively. The Tribunal considering the entire evidence



on record granted an amount of Rs.9,30,975/- in MVC No.3936/2013 and Rs.9,79,000/- in MVC No.3937/2013 with interest at the rate of 6% p.a. from the date of filing the petition till the date of realization. Being aggrieved by judgment and award in MVC No.3936/2013 granting compensation of Rs.9,30,975/-, the petitioner has preferred this appeal seeking enhancement.

4. It is stated that, deceased-Girijamma was aged about 43 years at the time of accident and she was doing tailoring work and earning a sum of Rs.10,000/- per month, but the Tribunal has taken her income at Rs.4,500/- per month adding future prospects at 30% on the said amount. It is further stated that the compensation awarded under the other heads is also not proper. Therefore, he has preferred this appeal.

5. The deceased-Girijamma met with an accident in the year 2013. It is stated that she was a tailor and earning Rs.10,000/- per month but she has not filed any



income proof. Therefore, it is just and proper to take the notional income of the deceased at Rs.8,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. Further, the deceased was aged 43 years as of the date of the accident and the multiplier applicable to the case is '14' and hence the petitioner is entitled 25% towards future prospects, as she was married, $1/3^{\text{rd}}$ to be deducted towards personal expenses. Accordingly, loss of dependency comes to **Rs.11,20,000/-** [Rs.8000/- + 40% x 12 x 14 - $1/3$]. The petitioner is husband of the deceased and he is entitled for Rs.48,000/- towards spousal consortium and Rs.36,000/- towards conventional heads. The Tribunal has granted a sum of **Rs.2,30,775/-** towards medical expenses and it is confirmed.

6. Thus in all, compensation awarded by this Court is as below:



Sl.Nos.	Particulars	Amount in Rs.
1	Towards loss of dependency	11,20,000/-
2	Towards filial consortium	48,000/-
3	Towards medical expenses	Rs.2,30,775/-
4	Towards conventional heads	36,000/-
	Total	Rs.14,34,775/-

7. Hence, the petitioner -claimant is entitled for a total compensation of **Rs.14,34,775/-** along with interest at the rate of 6% p.a.

8. Tribunal held respondent No.1/Managing Director, KSRTC is liable to pay 60% of compensation and respondent Nos.2 and 3/owner/insurer of lorry are liable to pay 40% of the compensation.

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

ORDER

- i. Appeal is **allowed** in part.
- ii. The judgment and award dated 21.10.2023 passed in MVC No.3936/2013 on the file of



the Chief Judge, Court of Small Causes and Member, Principal Motor Accident Claims Tribunal, Bangalore, is modified.

- iii. The claimant is entitled to a sum of **Rs.14,34,775/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of **Rs.9,30,975/-** granted by the tribunal.
- iv. Respondent Nos.1 and 3 - KSRTC and Insurance Company have already deposited 50% of the awarded amount before the Tribunal and they are directed to deposit balance compensation along with the interest at the rate of 6% per annum within one month from the date of this order.
- v. On such deposit, claimant is permitted to withdraw the entire amount along with interest accrued on the same.



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- vi. Claimants are not entitled for interest for a delay of 272 days as per I.A.No.1/2024 by order dated 24.03.2026.

Sd/-
(P SREE SUDHA)
JUDGE

SA