



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 7001 OF 2024 (MV-D)

BETWEEN:

1. SMT MUJUBUNNISA,
W/O. LATE MOHAMMAD FAIYAZ,
AGED ABOUT 58 YEARS,
2. ILIYAZ PASHA,
S/O. LATE MOHAMMAD FAIYAZ,
AGED ABOUT 35 YEARS
3. IMTAYAZA PASHA,
S/O. LATE MOHAMMAD FAIYAZ,
AGED ABOUT 33 YEARS

ALL ARE RESIDING AT:
NO.1199, MASIDI ROAD, MATADA BEEDI,
KOTE, CHANNAPATNA TOWN,
RAMANAGARA DISTRICT.

...APPELLANTS

(BY SRI. RAJU S, ADVOCATE)

AND:

1. ABDUL JALEELA,
S/O. ABDUL RAHIM, AGED ABOUT 33 YEARS,
R/AT: NO.400/1, SYEDWADI, M.M. ROAD,
CHANNAPATNA TOWN, RAMANAGARA DISTRICT.

Digitally signed
by
PADMASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



2. THE NEW INDIA INSURANCE COMPANY LIMITED,
NO. 22414/4, GIRIYAMMA SHABHUGOWDA
COMPLEX, CHURCH ROAD, CHANNAPATNA - 562 160.
...RESPONDENTS
(BY SRI. M.P. SRIKANTH, ADVOCATE FOR RESPONDENT
NO.2

VIDE ORDER DATED 23.03.2026 NOTICE TO RESPONDENT
NO.1 - D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 13.06.2024 PASSED
IN MVC NO. 56/2021 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND JMFC, ADDITIONAL MACT,
CHANNAPATNA, 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 appellants/claimants under Section 173(1) of the Motor Vehicles Act, 1988 challenging the judgment and award dated 13.06.2024 passed in MVC No.56/2021 on the file of the learned Senior Civil Judge and JMFC, Additional MACT, Channapatna, for enhancing the compensation.

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

3. Brief facts of the case are that, Sri. Naheem S/o Late. Mohammad Faiyaz, met with an accident on 01.12.2020 and died subsequently. His mother and brothers filed a claim petition claiming compensation of Rs.50,00,000/-. The Tribunal, considering the entire oral and documentary evidence on record awarded a sum of Rs.21,40,600/- with interest at the rate of 6% per annum



from the date of petition till its realisation. Being aggrieved by the said order, the claimants have preferred this appeal.

4. It is stated that Naheem was doing doll making work and earning Rs.30,000/- per month. But the Tribunal erred in taking his monthly income at only Rs.14,500/-. The compensation awarded by the Tribunal under the other heads are meagre. Therefore, requested for enhancement of the compensation.

5. Though it is contended that Naheem was earning Rs.30,000/- per month, the claimants have not filed any income proof. As he met with an accident in the year 2020, the Tribunal has rightly considered the notional income as Rs.14,500/- per month as per the chart prepared by Karnataka State Legal Services Authority. The deceased was aged 26 years as per the post mortem report and is entitled for 40% towards future prospects and 50% has to be deducted towards personal expenses. The applicable multiplier is '17'. The Tribunal has rightly



granted loss of dependency as **Rs.20,70,600/-** (Rs.14,500 + 40% × 12 × 17 - 50%). Petitioner No.1 is entitled to **Rs.44,000/-** towards filial consortium, and **Rs.33,000/-** is to be granted under the conventional heads.

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

Sl.Nos.	Particulars	Amount in Rs.
1	Towards loss of dependency	20,70,600
2	Towards filial consortium to petitioner No.1	44,000
3	Towards Conventional Heads	33,000
	Total	21,47,600

7. Hence, the appellants/claimants are entitled to a total compensation of Rs.21,47,600/- along with interest at the rate of 6% per annum.

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



ORDER

- i) Appeal is ***allowed*** in part.
- ii) The judgment and award dated 13.06.2024 passed in MVC No.56/2021 on the file of the learned Senior Civil Judge and JMFC, Additional MACT, Channapatna is modified.
- iii) The claimants are entitled to a sum of **Rs.21,47,600/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.21,40,600/- granted by the Tribunal.
- iv) Respondent No.2/Insurance Company has already deposited the awarded amount Rs.21,40,600/- before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.7,000/-** along with the interest at the



rate of 6% within one month from the date of this order.

- V) On such deposit, petitioner No.1-mother of the deceased is permitted to withdraw the entire amount along with the interest accrued on the same.

**Sd/-
(P SREE SUDHA)
JUDGE**

SHS
List No.: 1 Sl No.: 6