



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. 7625 OF 2024 (MV-D)

BETWEEN:

1. MANGALA GOWRI G,
W/O GANGADHARAIHA.K,
AGED ABOUT 46 YEARS,
2. KARAN A.G,
S/O GANGADHARAIHA.K,
AGED ABOUT 28 YEARS,
3. HONNAMMA,
W/O BHALIRAPPA,
AGED ABOUT 73 YEARS,
SINCE DIED ON 23/02/2021 BY HIS LRS,
ON ALREADY RECORDED.

ALL ARE RESIDING AT NO.299/67,
VENKATESHWARA LAYOUT,
ADARSHANAGARA, ARASINAKUNTE,
NELAMANGALA TALUK,
NELAMANGALA RURAL DISTRICT - 562 123.

...APPELLANTS

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. S B MANJUNATHA,
S/O A BYRAPPA,
MAJOR,





RFA/T NO 6011,
SOMOJI RAO LAYOUT,
SUBHASHNAGRA,
NELAMANGALA TOWN,
BENGALURU RURAL DISTRICT.

(R.C.OWNER OF THE TRACTOR
BEARING REG.NO. KA-34-T-4307).

2. THE MANAGER,
MAGMA HDI GENERAL INSURANCE CO. LTD.,
1ST FLOOR, HM ASTRID,
NO.36, JC ROAD,
BENGALURU URBAN - 560 002.

3. MOHAN NAIK,
S/O KARANYYANAIAK,
MAJOR,
BELGAL TANADA,
BELLARY.
(POLICY HOLDER OF THE TRACTOR
BEARING REG.NO.KA-34-T-4307)

TRACTOR BEARING REG.NO.
KA-34-T-4307
POLICY NO.P0021300022/4107/100858
COVERING FROM 05/08/2020
TO 04/08/2021.

4. PRUTHVIRAJ.B,
S/O LATE. S.A. BYRAPPA,
MAJOR,
NO.6011, SOMOJI RAO LAYOUT,
SUBHASHNAGARA,
NELAMANGALA,
BENGALURU RURAL DISTRICT - 562 123.



5. THE MANAGER,
MAGMA HDI GENERAL INSURANCE CO. LTD.,
1ST FLOOR, HM ASTRID,
NO.36, JC ROAD,
BENGALURU URBAN - 560 002.

TRACTOR BEARING REG.NO.
KA-52-T-939
POLICY NO.P0021300022/4107/100013
COVERING FROM 29/04/2020
TO 28/04/2021.

6. NARENDRA KUMAR AWASTHI,
S/O MAHESH PRASHAD AWASTHI,
MAJOR,
NO.439F, MADANAYAKANAHALLI,
DASANAPURA HOBLI,
BENGALURU - 562 123.

7. THE MANAGER,
ICICI LOMBARD GENERAL INSURANCE
COMPANY LTD.,
9TH FLOOR, NO.121,
THE ESTATE BUILDING, DICKENSON ROAD,
BENGALURU - 1.

MOTORCYCLE BEARING
REG.NO.KA-52-K-6580
POLICY NO.3005/109979587/03/B00
COVERING FROM 14/12/2020
TO 13/12/2021.

...RESPONDENTS

(BY SRI. PRADEEP B., ADVOCATE FOR R2 AND R5;
SRI. B.C. SHIVARAMEGOWDA, ADVOCATE FOR R7
R1 AND R4 SERVED
V/O/DATED NOTICE TO R3 & R6 ARE D/W)



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 23.08.2024 PASSED IN MVC NO. 1383/2022 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES, MEMBER, PRINCIPAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU, 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

Heard the arguments of both sides.

2. This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988, challenging the judgment and award dated 03.08.2024 passed in MVC No.1383/2024, by the Chief Judge, Court of Small Causes, Member Principal, Motor Accident Claims Tribunal, Bengaluru, (hereinafter referred to as 'the Tribunal' for short) seeking enhancement of compensation.



3. One Gangadharaiah met with a road traffic accident on 23.02.2021 and subsequently died as a result of the injuries sustained. Initially his wife, son and mother were impleaded as claimants and they filed a claim petition seeking compensation of Rs.80,00,000/-. After considering the entire evidence on record, the Tribunal awarded a compensation of Rs.17,37,700/- with interest at the rate of 6% per annum from the date of petition till realisation.

4. Aggrieved by the said order, the claimants have preferred this appeal and contenting that the Tribunal failed to consider future prospects while calculating loss of dependency. It is further contended that the deceased was engaged in agriculture and business and was earning Rs.30,000/- per month, whereas the Tribunal has considered a meager income. The claimants, therefore, request for enhancement of the compensation.

5. Learned counsel for the appellants further contented that the respondents failed to prove any



contributory negligence on the part of the deceased. It is submitted that the charge sheet was filed only against the driver of the tractor and the other motorcycle, whereas, the Tribunal erroneously fixed equal responsibility on all three vehicles, including the vehicle of the deceased. The appellants, therefore, seek modification of the finding on contributory negligence.

6. Learned counsel for the respondent contended that it was the duty of the deceased-Gangadharaiah to maintain a safe distance between his motorcycle and the tractor moving in front of him, and that any failure to do so would amount to contributory negligence. However, it is admitted that no charge sheet has been filed against the deceased.

7. The evidence on record indicates that while Gangadharaiah was riding the motorcycle bearing No.KA-09-HF-0818 on NH-75 opposite to Dharmashri Resorts, a tractor bearing No.KA-34-T-4307, was moving ahead to him. Suddenly, the tractor swerved to the right, causing



Gangadharaiah to dash into the rear portion of the tractor and fall on the road. At the same time, the rider of another motorcycle bearing No.KA-52-K-6580, riding in a negligent manner, collided with him, resulting in fatal injuries.

8. It is pertinent to note that the charge sheet has been filed only against the tractor driver and the rider of motorcycle No.KA-52-K-6580 and the respondents have not adduced any evidence to establish negligence on the part of Gangadharaiah.

9. The Tribunal, therefore, erred in fixing equal contributory negligence on all the vehicles, including that of the deceased. Considering the evidence, this Court finds it reasonable to apportion 70% negligence to the tractor driver and 30% to the rider of motorcycle No.KA-52-K-6580, and hold that there is no contributory negligence on the part of the deceased Gangadharaiah.

10. It is stated that the deceased was aged 53 years, engaged in business and agriculture and earning Rs.30,000/- per month. However, no documentary



evidence has been produced to substantiate this income. Since, the accident occurred in 2021, the Tribunal has reasonably taken the monthly income at Rs.15,000/-, which is found to be appropriate.

11. The deceased was aged 53 years at the time of the accident, and the applicable multiplier is '11'. During the pendency of the proceedings, the mother of the deceased died on 24.02.2021, and therefore 1/3rd is to be deducted towards personal expenses.

12. Adding 10% towards future prospects, the loss of dependency is calculated as follows:

Income including future prospects : Rs.15,000/-
+10% = Rs.16,500/-,

Annual income : Rs.16,500/- × 12 = Rs.1,98,000/-,

Multiplier applied : Rs.1,98,000/- × 11 =
Rs.21,78,000/-,

Deducting 1/3rd for personal expenses:
Rs.21,78,000/- × 2/3 = Rs.14,52,000/-

Thus, the loss of dependency comes to Rs.14,52,000/-.



13. The first appellant/wife of the deceased is entitled to Rs.44,000/- towards spousal consortium and second appellant/son of the deceased is entitled to Rs.40,000/- towards parental consortium. In addition, both are entitled to Rs.33,000/- under conventional head.

14. The Tribunal has awarded an amount of Rs.2,96,700/- towards medical expenses, supported by the relevant documents. The same is found to be just and reasonable and is accordingly confirmed.

15. Thus, the claimants are entitled to the following compensation:

Compensation under different heads	Amount in (Rs.)
Future Prospects	14,52,000/-
Spousal consortium	44,000/-
Parental consortium	44,000/-
conventional head	33,000/-
Medical bills	2,96,700/-
Total	18,69,700/-



16. In summary, the appellants/claimants are entitled to a total compensation of Rs.18,69,700/- as against to Rs.17,37,700 /- awarded by the Tribunal. The enhanced compensation amounts to Rs.1,32,000/-. To this extent, the award passed by the Tribunal is modified.

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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 03.08.2024 passed in MVC No.1383/2024, by the Chief Judge, Court of Small Causes, Member Principal, Motor Accident Claims Tribunal, Bengaluru, is hereby modified;
- iii. The appellants-claimants are entitled to enhanced compensation of Rs.1,32,000/- (Rs.18,65,700/- minus Rs.17,37,700/-) along with interest at the rate of 6% p.a. from the date of petition till its realization.



- iv. The Insurance Companies of the tractor and its driver/respondents Nos.2 and 5 are directed to deposit 70% of the enhanced compensation of Rs.18,69,700/- i.e., Rs.13,08,790/- within one month from the date of this order.
- v. The Insurance Company of the motorcycle bearing No.KA-52-K-6580/respondent No.7) is directed to deposit 30% i.e., Rs.5,60,910/- of the enhanced compensation within one month.
- vi. On such deposit, the second petitioner /son of the deceased is permitted to withdraw Rs.2,00,000/- along with interest accrued thereon. The first petitioner (wife of the deceased) is entitled to the remaining compensation and is permitted to withdraw



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the entire amount along with interest
accrued thereon.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 SI No.: 15