



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISC. FIRST APPEAL NO.202759 OF 2024 (MV-D)

BETWEEN:

THE MANAGER,
SHRIRAM GEN. INSURANCE CO. LTD.,
E-8, RIICO INDUSTRIAL AREA, SITAPURA,
JAIPUR, RAJASTAN-302022,
(NOW REPRESENTED BY
AUTHORISED SIGNATORY,
SRIRAM GEN. INS. CO. LTD, BELEKAHALLI,
BANGALORE).

...APPELLANT

(BY SMT. PREETI PATIL MELKUNDI, ADVOCATE)

AND:

1. SUBHADRA W/O LATE VENKAT KATE,
AGE: 37 YEARS, OCC: COOLE & HOUSEHOLD,
NOW NIL,
R/AT: VILLAGE HANDRAL (K),
TQ. BASAVAKALYAN, DIST. BIDAR-585401.
2. SUPRIYA D/O LATE VENKAT KATE,
AGED: 19 YEARS,
3. PRIYANKA D/O LATE VENKAT KATE,
AGE: 16 YEARS MINOR,
4. PAVAN S/O LATE VENKAT KATE,
AGE: 14 YEARS MINOR,





5. ARCHANA D/O LATE VENKAT KATE,
AGE: 12 YEARS, MINOR,
6. SAGAR S/O LATE VENKAT KATE,
AGE: 10 YEARS, MINOR,
RESP. NO.3 TO 6 HEREIN ARE MINORS,
U/G OF THEIR NATURAL MOTHER
RESP. NO.1 HEREIN.
7. TULSABAI W/O LATE NAMDEV KATE,
AGE: MAJOR, OCC: HOUSEHOLD,
8. SURESH S/O NANA NIKAM,
AGE: 46 YEARS, OCC: BUSINESS AND
OWNER CUM DRIVER OF EICHER TEMPO,
BEARING NO.MH-14/A-7660,
RESIDENCE AT SUKDEVO NAGAR,
PATHARDIGAO, TQ. & DIST. NASHIK (MS)-422010.

...RESPONDENTS

(R1, R2 & R7 ARE SERVED;
R3 TO R5 ARE MINOR REP. BY R1;
V/O DATED 25.04.2026 NOTICE TO R8 D/W)

THIS MFA IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLE ACT, PRAYING TO CALL FOR THE RECORDS AND ALLOW THE ABOVE APPEAL BY SETTING ASIDE THE IMPUGNED COMMON JUDGMENT AND AWARD DATED 02.03.2024 IN MVC.NO.339/2017 PASSED BY THE IIND ADDL. DISTRICT AND SESSION COURT AND ADDL. MACT AT BIDAR, SITTING AT BASAVAKALYAN, IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Mrs. Preeti Patil Melkundi, learned counsel for appellant. Though, notice was served upon respondents No.1 to 7, they failed to contest the matter.

02. Challenge in this appeal is the award that is passed by the Additional Motor Accident Claims Tribunal, Bidar, sitting at Basavakalyan in MVC.No.339/2017 dated 02.03.2024.

03. Wife, children five in number and the Mother of the deceased Venkat Kate, (hereinafter be referred to as the deceased for brevity), who died in a road traffic accident that occurred in the year 2016, filed a petition seeking compensation of Rs.25,00,000/- in total. The Tribunal through the impugned order held that they are entitled to a sum of Rs.27,06,000/- as compensation. With a contention that sum thus awarded is exorbitant, the insurer of the offending vehicle against whom liability is fastened to pay such compensation preferred this appeal.



04. Arguing the matter, learned counsel for the appellant contends that though the version of respondents No.1 to 7 / claimants is that the deceased was earning Rs.800/- per day as a Mason, no proof to that effect was produced. Without any basis, the Tribunal took the income of the deceased as Rs.12,000/- per month. Learned counsel submits that the accident occurred in the year 2016 and a mason was not earning such huge amount during that period. Learned counsel also states that for the relevant period, for settlement of claims, the High Court Legal Services Committee, Kalaburagi Bench is taking the notional income as Rs.8,750/- per month and the Tribunal ought to have adopted said figure to have an uniformity in award of compensation in Motor Accident Claims. Learned counsel also states that apart from awarding sum of Rs.3,00,000/- towards loss of consortium, Tribunal granted a sum of Rs.3,50,000/- towards loss love and affection which is improper. Learned counsel thereby seeks to allow the appeal.



05. As rightly submitted, no proof was produced by respondents No.1 to 7 / claimants to show that the deceased as mason was earning Rs.800/- per day. Therefore, this Court is of the view that the Tribunal ought to have taken the notional income of the deceased as Rs.8,750/- per month.

06. The Tribunal deducted $1/8^{\text{th}}$ of the earnings of the deceased towards personal and living expenses. However, as per the decision of the Hon'ble Supreme Court in ***Sarla Verma Vs. Delhi Transport Corporation***, reported in ***(2009) 6 SCC 121***, where family members exceed 6 in number the deduction should be $1/5^{\text{th}}$. Therefore, $1/5^{\text{th}}$ of the earnings are required to be deducted towards personal and living expenses which the deceased would have incurred for himself had he been alive. The deceased was aged around 35 years as on the date of accident. The Tribunal therefore, rightly added 40% towards future prospects and applied multiplier 16. Thus, compensation which respondents No.1 to 7 / claimants are entitled to receive towards loss of dependency is as under:-



Notional monthly income	Rs.8,750/-
Annual income	Rs.1,05,000/-
On adding 40% towards future prospects	Rs.1,47,000/-
On deducting 1/5 th towards personal and living expenses	Rs.1,17,600/-
Loss of dependency on applying multiplier 16	Rs.18,81,600/-

07. Tribunal granted a sum of Rs.20,16,000/- towards loss of dependency. However, compensation which respondents No.1 to 7 / claimants are entitled to receive towards loss of dependency is Rs.18,81,600/-.

08. Together with the said amount, they are entitled to receive Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of a estate.

09. Also respondent No.1 being the wife of the deceased is entitled to receive Rs.40,000/- towards loss of spousal consortium. Respondents No.2 to 6 being the children of the deceased are entitled to receive Rs.40,000/- each totaling to Rs.2,00,000/- towards loss of parental consortium. Respondent No.7 being the mother of the deceased is entitled to receive Rs.40,000/- towards



loss of filial consortium. Thus, total compensation which respondents No.1 to 7 / claimants are entitled to receive is as under :-

Sl. No.	Heads of accounts	Rupees (Rs.)
1	Loss of dependency	18,81,600/-
2	Funeral expenses	15,000/-
3	Loss of Estate	15,000/-
4	Loss of spousal consortium	40,000/-
5	Loss of parental consortium	2,00,000/-
6	Loss of filial consortium	40,000/-
	Total	21,91,600

10. Thus, foregoing discussion makes it clear that the compensation granted by the Tribunal is excessive as contended by appellant. Therefore, the appeal is disposed of with the following:-

ORDER

- I. The appeal is allowed in part.
- II. Compensation that is granted by the Additional Motor Accident Claims Tribunal, Bidar, sitting at Basavakalyan, through orders in MVC.No.339/2017 dated 02.03.2024 is reduced from Rs.27,06,000/- to Rs.21,91,600/-.



III. The amount that fell to the share of respondents
No.1 to 7 / claimants as per the apportionment made
by the Tribunal shall proportionately be reduced.

IV. Amount if any in deposit be transmitted to the
concerned Tribunal forthwith.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

KJJ
List No.: 1 SI No.: 2
CT:SI