



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE P SREE SUDHA

MISCL. FIRST APPEAL NO.202203 OF 2019 (MV-D)

BETWEEN:

1. LAXMI W/O LATE RAJKUMAR,
AGE: 29 YEARS, OCC: HOUSEHOLD,
 2. PAVITRA D/O LATE RAJKUMAR,
AGE: 10 YEARS, MINOR, OCC: STUDENT,
 3. BHAVANI D/O LATE RAJKUMAR,
AGE: 08 YEARS, MINOR,
 4. SHASHIKANT S/O LATE RAJKUMAR,
AGE: 05 YEARS, MINOR,
 5. SHRUTI D/O LATE RAJKUMAR,
AGE: 03 YEARS, MINOR,
 6. DROPATHI W/O GURAPPA,
AGE: 53 YEARS, OCC: HOUSEHOLD,
- APPELLANT NO.2 TO 5 ARE MINOR,
U/G OF THEIR REAL MOTHER APPELLANT NO.1,
- ALL R/O GUMMA VILLAGE,
TQ. AND DIST. BIDAR.

...APPELLANTS

(BY SRI. SANTOSH BIRADAR, ADVOCATE)

Digitally
signed by
SUMITRA
SHERIGAR
Location:
HIGH COURT
OF
KARNATAKA



AND:

1. MR. SYED ASIF S/O SYED KHALEEMODDIN,
AGE: MAJOR, OCC: BUSINESS,
R/O H.NO.14, RENAGALLI, BASAVAKALYAN,
DIST. BIDAR-585 327.
2. RELIANCE GENERAL INSURANCE COMPANY LTD.,
3RD FLOOR, ASIAN PLAZA, TIMMAPURI CIRCLE,
MAIN ROAD, KALABURAGI-585 102.

...RESPONDENTS

(BY SMT. PREETI PATIL MELKUNDI, ADV. FOR R2;
V/O DTD. 03.07.2023, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF THE
MOTOR VEHICLES ACT, 1988, PRAYING TO ALLOW THE
APPEAL, MODIFY THE IMPUGNED JUDGMENT AND AWARD
DATED 07.08.2019 PASSED BY THE COURT OF THE
ADDITIONAL SENIOR CIVIL JUDGE AND ADDL. MACT AT
BIDAR, IN MVC NO.258/2018 AND ENHANCE THE
COMPENSATION AS PRAYED.

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

CORAM: HON'BLE MRS JUSTICE P SREE SUDHA

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE P SREE SUDHA)

Though the appeal is listed for admission, with the
consent of learned counsel for the parties, it is taken up
for final disposal.



2. Heard the arguments of both sides.

3. This appeal is filed against the judgment and award dated 07.08.2019 passed by the Additional Senior Civil Judge and Additional MACT, Bidar, in MVC No.258 of 2018.

4. The facts of the case are that, on 16.03.2018, while the deceased Rajkumar along with his friend Roben was proceeding on motorcycle bearing registration No.KA-38/K-9381 to Basavakalyan as a pillion rider, the driver of the lorry bearing registration No.KA-56-0704 drove it in high speed and rash and negligent manner and dashed against the motorcycle of the deceased, due to which, deceased sustained fatal injuries and succumbed to the same on the way to the hospital.

5. Therefore, his wife, children and mother filed a claim petition before the Tribunal, claiming compensation of Rs.30,00,000/-. The Tribunal, considering the entire evidence on record, granted compensation of



Rs.18,84,400/- with interest at 9% p.a. from the date of petition till realisation and directed respondent No.2- Insurance Company to deposit the same.

6. Aggrieved by the said judgment and award, the claimant has preferred this appeal, in which it is contended that, the deceased Rajkumar was working as mason and earning Rs.20,000/- per month, but the Tribunal erred in taking his income at Rs.9,000/- per month; looking at the number of dependents, 1/5th is to be deducted towards personal expenses of the deceased, but the Tribunal erred in deducting 1/4th; the amount awarded under other heads is also on lower side. Therefore, requested for enhancement of the compensation.

7. Though the appellants stated that deceased Rajkumar was working as mason and earning Rs.20,000/- per month, they have not produced any income proof. Hence, as per the guidelines of the Karnataka State Legal Services Authority, as he met with an accident in the year



2018, his notional income is to be taken at Rs.11,750/- per month.

8. The Hon'ble Apex Court in the dictum of ***National Insurance Company Limited Vs. Pranay Sethi¹***, held that, the future prospects of income of the self-employed deceased shall also be included in determination of the compensation. Thus, considering the age of the deceased, 40% of the income has to be added towards future prospects and thus, the amount would become Rs.16,450/- per month (11,750+4,700).

9. Since there are 6 dependents, the Tribunal has deducted 1/4th of the income towards personal expenses of the deceased, which is just and proper and needs no interference.

10. Considering the age of the deceased, the multiplier of 16 adopted by the Tribunal is just and proper.

¹ (2017) 16 SCC 680



11. Therefore, the loss of dependency comes to
 $\text{Rs.}16,450 \times 12 \times 16 \times \frac{3}{4} = \text{Rs.}23,68,800/-$.

12. Further, as per the guidelines of the Hon'ble Apex Court in the dictum of ***Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram & others²***, and ***United India Insurance Company Limited vs. Satinder Kaur @ Satwinder Kaur and others³***, appellant No.1 being the wife of the deceased is entitled for Rs.40,000/- towards loss of spousal consortium, appellant Nos.2 to 5 being the children are entitled for a sum of Rs.40,000/- each towards parental consortium and appellant No.6 being mother of the deceased is entitled for a sum of Rs.40,000/- towards filial consortium.

13. They are also entitled for an amount of Rs.30,000/- under the conventional heads i.e., loss of estate and funeral expenses as per the citation in the case

² (2018) 18 SCC 130

³ (2020) 9 SCC 644



of ***National Insurance Company Limited Vs. Pranay Sethi.***

14. Hence, the compensation is reassessed as under:

Loss of dependency	Rs.23,68,800/-
Loss of consortium (Rs.40,000 x 6)	Rs.2,40,000/-
Conventional heads	Rs.30,000/-
Total	Rs.26,38,800/-
Less awarded by the Tribunal:	Rs.18,84,400/-
Enhanced compensation	Rs.7,54,400/-

Thus, the appellants are entitled for enhanced compensation of Rs.7,54,400/- with interest at 6% p.a. from the date of petition till realization and therefore, the appeal deserves to be allowed in part.

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

(i) The appeal is allowed in part.

(ii) The appellants/claimants are entitled for enhanced compensation of Rs.7,54,400/- along with interest at 6% p.a. from the date of petition till realization.



(iii) Respondent No.2-Insurance Company is directed to deposit the aforesaid compensation amount within one month from the date of this judgment.

(iv) The apportionment of the enhanced compensation shall be as per the award of the Tribunal.

(v) On such deposit made by the Insurance Company, appellant Nos.1 and 6 are permitted to withdraw the entire amount fallen to their share along with interest accrued on it and the amount fallen to the share of appellant Nos.2 to 5 - minors shall be kept in Fixed Deposit as per the award of the Tribunal.

sd/-
(P SREE SUDHA)
JUDGE

LG
List No.: 1 Sl No.: 35