



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2709 OF 2023

(MV-D)

BETWEEN:

1. SMT. SAKAMMA
WO. LATE V.C. PUTTAIAH
AGED ABOUT 96 YEARS
R/AT BRAHAMANARA STREET
HUNSUR TOWN, HUNSUR-571 105.

...APPELLANT

(BY SRI VIJAY KUMAR T, ADVOCATE)

AND:

1. RAKSHITH R
S/O. LATE V.P. RAJU
AGED ABOUT 30 YEARS.
2. PRIKSHITH R.
S/O. LATE V.P. RAJU
AGED ABOUT 28 YEARS.

THE RESPONDENT No.1 AND 2 ARE
R/AT HOUSE No.10
OLD MANANDAVADI ROAD
SRIRAMPURA, 2ND STAGE
MYSURU-570 008.

3. AMMER AKTHAR. C.A
S/O. C.M. ABU AHAMMED
AGED IN MAJOR
R/AT No.8, SHANTHI APARTMENT





SHANTHI ROAD, SHANTHINAGARA
WILSON GARDEN
BENGALURU-570 027.

4. ORIENTAL INSURANCE CO.LTD.,
REP. BY ITS MANAGER
No.1825/14C, 1ST FLOOR
SHREE COMPLEX, B.M. ROAD
HUNSUR-571 105.

...RESPONDENTS

(BY SRI ASHOKA H, ADVOCATE FOR R1 & R2
SRI JANARDHAN REDDY, ADVOCATE FOR R4
V/O DTD 11.09.2025, NOTICE TO R3 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17.11.2022 PASSED IN MVC
No.1070/2018 ON THE FILE OF THE PRL. JUDGE, COURT OF
SMALL CAUSES, AS A PRESIDING OFFICER, MACT, MYSURU,
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 MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by appellant who is respondent
No.3 before the Tribunal and the mother of deceased
seeking enhancement of the compensation awarded in
judgment and award dated 17.11.2022 passed in MVC
No.1070/2018 by the Principal Judge, Court of Small
Causes and MACT, Mysuru.



2. Heard the learned counsel for the appellant and respondent No.4 / insurer.

3. Respondent Nos.1 and 2 filed claim petition before the Tribunal seeking grant of compensation for the death of one V.P.Raju, their father who died in a road traffic accident on 31.03.2017. The Tribunal has awarded compensation under different heads as under:

Sl.No.	Heads	Amount
1.	Loss of dependency	24,84,000/-
2.	Filial Consortium	1,20,000/-
3.	Funeral expenses	15,000/-
4.	Loss of estate	15,000/-
	Total	26,34,000/-

4. Respondent Nos.1 and 2 who are the claimants before the Tribunal have not filed appeal challenging the quantum. Appellant being the mother of the deceased and respondent No.3 before the Tribunal is now seeking enhancement of compensation.



5. The only ground raised by the learned counsel for the appellant is that deceased had three dependants i.e. claimant Nos.1 and 2 and the present appellant who was respondent No.3 before the Tribunal and the deductions towards personal expenses has been taken as 50% ignoring respondent No.3 who is one of the dependants of the deceased.

6. Learned counsel for respondent No.4 / insurer does not dispute that appellant herein who is the mother and she is dependent on the deceased.

7. Considering the fact that respondent No.3 one of the dependant along with claimant Nos.1 and 2 who are respondent Nos.1 and 2 herein the Tribunal ought to have taken deductions of the deceased towards his personal expenses at 1/3 of his income instead of 50%. The appellant has not urged any other grounds. Considering the above aspect, the loss of dependency is calculated as under:



Rs.46,000/- (monthly income) – (1/3 deduction
Rs.15,333/-) = Rs.30,667 x 12 x 9 = Rs.33,12,036/-

8. Therefore, respondent Nos.1 and 2 and appellant herein are entitled to enhanced compensation of Rs.8,28,036/- (Rs.33,12,036 – Rs.24,84,000) with interest @ 6% p.a. from the date of petition till realization. In view of the above, the following:

ORDER

- i) The appeal is ***allowed in part.***
- ii) The appellant, respondent Nos.1 and 2 are entitled to enhanced compensation of **Rs.8,28,036/-** with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.4/insurer shall deposit the said enhanced compensation amount with interest within a period of six weeks from this day, failing which, it is liable to pay interest @ 9% p.a. from this day till payment/deposit of enhanced compensation amount.



- iv) The apportionment of the compensation among the appellant and respondent Nos.1 and 2 as ordered by the Tribunal remain unaltered.
- v) Appellant and respondent Nos.1 and 2 are entitled to release of entire enhanced compensation.
- vi) Draw award accordingly.

Sd/-
(SHIVASHANKAR AMARANAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 36