



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5260 OF 2023

(MV-D)

BETWEEN:

1. SMT. VENKATARATHNA
@ VENKATAMMA
W/O LATE A HANUMAPPA
NOW AGED ABOUT 33 YEARS.
2. MASTER RANJITH H
S/O LATE A HANUMAPPA
NOW AGED ABOUT 12 YEARS.
3. MASTER YUVARAJ H
S/O LATE A HANUMAPPA
NOW AGED ABOUT 10 YEARS.
4. SMT. NARAYANAMMA
W/O LATE ANJINAPPA
NOW AGED ABOUT 59 YEARS
2ND AND 3RD MINOR APPELLANTS ARE
REPRESENTED BY NATURAL GUARDIAN/MOTHER,
1ST APPELLANT HEREIN.

ALL ARE RESIDING AT MADIVALA
VILLAGE KUNIGAL POST
KOLAR TALUK AND DISTRICT.

...APPELLANTS

(BY SMT. SUSHMITHA G, ADVOCATE)





AND:

1. SMT. MACHA KAVYA
D/O MACHA NAGARAJU
MAJOR IN AGE
RESIDING AT No.8/76
BABU COLONY
MADANAPALLE TOWN,
CHITTOR DISTRICT
ANDHRA PRADESH-517 325.

2. THE NEW INDIA ASSURANCE COMPANY LTD.,
MOTOR TP HUB
No.9/2, MAHALAKSHMI CHAMBERS
M G ROAD
BANGALORE-560 001
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI RAJASHEKAR REDDY, V, ADVOCATE FOR R2
V/O DATED 04.06.2026, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.04.03.2023 PASSED IN MVC
No.1762/2021 ON THE FILE OF THE XXI ADDITIONAL SMALL
CAUSE JUDGE AND ACMM, MEMBER, MACT, BENGALURU,
(SCCH-23), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANAVAR



ORAL JUDGMENT

The appeal is filed by claimants seeking enhancement of the compensation awarded in the judgment and award dated 04.03.2023 passed in MVC No.1762/2021 by XXI Small Causes Judge and ACMM, Bengaluru (SCCH-23).

2. Even though the appeal is listed today for admission, with the consent of both the counsels, is taken up for final disposal.

3. The appellants made a claim petition for the death of A Hanumappa, husband of claimant No.1, father of claimant Nos.2 and 3 and son of claimant No.4. The said A. Hanumappa died in a road accident on 30.01.2021.

4. The claimants lead evidence. The Tribunal has assessed the compensation and awarded the compensation under different heads as under:

1	Loss of dependency	Rs.22,68,000/-
2	Loss of Consortium	Rs.1,60,000/-
3	Loss of Estate	Rs.15,000/-
4	Funeral Expenses	Rs.15,000/-
5	Medical Expenses	Rs.92,000/-



Total	Rs.25,50,000/-
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The claimants seeking enhancement of said compensation have filed the present appeal.

5. Heard learned counsel appearing for appellants -claimants and learned counsel for respondent No.2 - insurer.

6. Learned counsel for appellants would contend that the accident has taken place on 13.01.2021 and at the time of the accident, the deceased was aged 37 years doing agriculture. The Tribunal has taken the income of the deceased at Rs.12,000/-. The Tribunal ought to have taken the income of Rs.15,000/- as per the chart prepared by Legal Services Authority for the settlement of disputes in Lok -Aadalath for the year 2021.

7. Learned counsel for respondent No.2 would contend that the Tribunal has fastened liability on the owner and directed the insurer to pay the amount of compensation to claimants and recover the same from the owner.



8. Having heard learned counsels, the Court has perused judgment, award and trial Court records. The following point arises for consideration:

- i) Whether the Tribunal is justified in taking the income of the deceased at Rs.12,000/- per month even though the notional income fixed for the year 2021 at Rs.15,000/- per month by Legal Services Authority for settlement of disputes in Lok -Aadalath?

The accident has taken place on 13.01.2021. The occupation of the deceased is stated to be agriculture. Claimants have not produced any evidence in order to show the income of the deceased. Considering that no evidence is produced to show the income, the notional income has to be taken into consideration. As per the chart prepared by the Legal Services Authority for settlement of disputes in Lok -Aadalath, the notional fixed for the year 2021 is Rs.15,000/-. The Tribunal ought to



have taken the said notional income. Considering the said aspect, the income taken by the Tribunal at Rs.12,000/- per month is not proper. The notional income of the deceased is to be taken at Rs.15,000/- per month. Considering the said aspect, compensation for loss of dependency has to be recalculated taking into consideration of the above income of the deceased at Rs.15,000/- per month. Considering the same, loss of dependency is calculated as under:

$$\begin{aligned} & \text{Rs.15,000/-} + 40\% \text{ (future prospects)} = \\ & \text{Rs.21,000/-} \text{ minus } 1/4^{\text{th}} = \text{Rs.15,750/-} \times 12 \times 15 = \\ & \text{Rs.28,35,000/-} \end{aligned}$$

9. Considering the above aspects, claimants are entitled to enhanced of compensation Rs.5,67,000/- with interest at the rate of 6% per annum from the date of petition till realisation. In all other aspects, the order passed by Tribunal remains unaltered.

10. In view of the above, the following



ORDER

- i) The appeal is ***allowed in part.***
- ii) The claimants are entitled to enhanced of compensation Rs.5,67,000/- with interest at the rate of 6% per annum from the date of petition till realization.
- iii) Respondent No.2 -insurer shall deposit enhanced compensation with interest within a period of 04 weeks from this day, failing which it is liable to pay interest at the rate of 9% per annum from this day till payment.
- iv) In all other aspects, the order passed by Tribunal remains unaltered.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 50