

(2026) 08 KAR CK 2254

In the Karnataka High Court, Bengaluru Bench

Case No : MISCELLANEOUS FIRST APPEAL No. 4228 OF 2025 (MV-D)

Savithramma

APPELLANT

Vs

Shashikala & Anr.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

MV Act — Section 173(1)

Citation : (2026) 08 KAR CK 2254

Hon'ble Judges : Shivashankar Amarannavar, J

Bench : Single Bench

Advocate : Sri Vijay Kumar T, Sri B Pradeep

Final Decision : Partly Allowed

Judgement

1. This appeal is filed by the claimant seeking enhancement of compensation award in the judgment and award dated 27.02.2024 passed in MVC No. 1639/2022 by Senior Civil Judge and Member, MACT, Arakalgud.

2. Even though the matter is listed for 'Admission' today, with the consent of the learned counsel appearing for the appellant and learned appearing for respondent No. 2 – Insurer it is taken up for disposal.

3. Appellant – claimant made a claim petition praying to award compensation for the death of Siddaramegowda in a road traffic accident that occurred on 03.03.2022 contending that the accident occurred due to the rash and negligent driving by the driver of HeroHonda Splendor Motorcycle bearing registration No. KA-13-ET-8495. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Loss of dependency	Rs.3,30,000.00
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2	Loss of consortium	Rs.15,000.00
3	Love and affection	Rs.30,000.00
4	Miscellaneous expenses	Rs.5,000.00
5	Funeral expenses	Rs.20,000.00
	Total	Rs.4,00,000.00

4. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

5. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.

6. Learned counsel for appellant - claimant would contend that accident occurred on 03.03.2022 and at the time of accident the deceased was aged 79 years. The Tribunal has taken the notional income of the deceased at Rs.11,000/-. As per the chart prepared by the Karnataka State Legal Services Authority notional income fixed for the year 2022 is Rs.15,500/- and that has to be taken into consideration for calculating loss of dependency. Consortium awarded by the Tribunal is on lower side. The Tribunal has not awarded loss of estate. With this, he prayed to allow the appeal.

7. Learned counsel for respondent No.2 - Insurer would contend that the compensation awarded by the Tribunal under all heads is just and proper and there are no grounds for enhancement.

8. Having heard learned counsel for the parties, this Court has perused the judgment and award.

9. Date of accident is 03.03.2022 and as on the date of accident the deceased was aged 79 years. As per the chart prepared by the Karnataka State Legal Services Authority notional income fixed for the year 2022 is Rs.15,500/- and the said income is to be taken as against Rs.11,000/- taken by the Tribunal. The Tribunal has rightly applied the multiplier of 5. The Tribunal has deducted 50% towards personal expenses of the deceased. The deceased was a married man and the claimant is the wife of the deceased. Deductions towards personal expenses is to be taken at 1/3rd as per the decision of the Hon'ble Apex Court in the case of **Ved Kanwar Vs. Babulal** reported in **LAW (SC) 2026 -4 – 140**. In view of the same, loss of dependency is calculated as under:

$$15,500 - \frac{1}{3} = 10,333 \quad 10,333 \times 12 \times 5 = 6,19,980/-$$

10. Claimant being wife of the deceased is entitled to loss of consortium in a sum of Rs.40,000/- with 10% escalation, Rs.44,000/-. Claimant is also entitled to loss

of estate in a sum of Rs.15,000/- with 10% escalation, Rs.16,500/-. Further, claimant is entitled to funeral expenses and transportation of dead body in a sum of Rs.15,000/- with 10% escalation, Rs.16,500/-.

11. In view of the above, claimant is entitled to total compensation under different heads as under:

1	Loss of dependency	Rs.6,19,980.00
2	Loss of consortium	Rs.44,000.00
3	Funeral Expenses and transportation of dead body	Rs.16,500.00
4	Loss of estate	Rs.16,500.00
	Total	Rs.6,96,980.00

12. Claimant is entitled to total compensation of Rs.6,96,980/- as against Rs.4,00,000/- awarded by the Tribunal with interest at the rate of 6% p.a. from the date of petition till the date of realization. Consequently, claimant is entitled to enhanced compensation of Rs.2,96,980/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

13. Claimant is not entitled to interest for the delayed period of 368 days in filing the appeal as per the order dated 20.06.2025 on I.A. No. 1/2025.

14. In view of the above, the following;

ORDER

a) Appeal is allowed in part.

b) Claimant is entitled to enhanced compensation of Rs.2,96,980/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.

c) Claimant is not entitled to interest for the delayed

period of 368 days in filing the appeal.

d) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.

e) Claimant is entitled to release of the entire enhanced compensation.