



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 4<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**  
**MISCELLANEOUS FIRST APPEAL NO. 641 OF 2023 (MV-D)**

**BETWEEN:**

1. SRI CHAKALI RAMANJINAPPA  
S/O LATE C THIPPANNA  
AGED ABOUT 48 YEARS.
2. SMT. C SHIVAMMA  
W/O C RAMANJINAPPA  
AGED ABOUT 40 YEARS
3. SRI CHAKALI LOKESH  
W/O CHAKALI RAMANJINAPPA  
AGED ABOUT 20 YEARS

ALL THE PETITIONERS R/AT  
No.2-102, B .C STREET  
DEMAKETHEPALLE  
ANANTHAPURA  
ANDRAPRADESH.



...APPELLANTS

(BY SRI K V NAIK, ADVOCATE)

**AND:**

1. THE MANAGER  
NATIONAL INSURANCE CO. LTD.,  
MVC HUB, No.144, 2<sup>ND</sup> FLOOR  
SHUBHARAM COMPLEX  
M .G ROAD  
BENGALURU-01  
POLICY ISSUED BY ITS



**NC: 2026:KHC:26372**  
**MFA No. 641 of 2023**

VIJAYAWADA BRANCH OFFICE  
IN POLICY No.5605003120100004269  
DATE OF VALIDITY FROM 21/01/2021  
TO 20/02/2022.

2. THE DIRECTOR  
M/s NAVATA ROAD TRANSPORT  
SY No.56, 58 AND 59  
DODDABALLAPURA ROAD  
SINGANAYAKANAHALLI  
YELAHANKA.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R1'  
V/O DATED 07.01.2026, NOTICE TO R2 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 16.09.2022 PASSED IN MVC No.  
3417/2021 ON THE FILE OF THE JUDGE, COURT OF SMALL  
CAUSES AND MEMBER, MACT, BENGALURU SCCH-9, ALLOWING  
THE CLAIM PETITION FOR COMPENSATION AND SEEKING  
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

### **ORAL JUDGMENT**

This appeal is filed by claimants seeking enhancement  
of compensation awarded in the judgment and award dated  
16.09.2022 passed in MVC No.3417/2021 by Motor Accident  
Claims Tribunal, Bangalore (SCCH-09).



2. The facts leading to filing of claim petition are as under:

a. That on 18.07.2021 at 08.15 a.m., when the deceased was riding motor cycle bearing No.KA-04/TC-05 on Allaisandra bridge, Yelahanka, Bengaluru. At that time, Eicher Canter bearing registration NO.KA-05/AD-8460 which was parked by its driver without any indicators. The deceased -Chakali Ganesh dashed against the parked Eicher Canter. Due to which, deceased sustained grievous injuries and he was shifted to hospital for treatment and succumbed to the injuries on 19.07.2021.

b. The deceased was B-Tech student and was working as Cashier at Chai Shop, RMZ Mall, Bengaluru and earning a sum of Rs.25,000/- per month. The claimants are dependants of the deceased. The deceased was aged 22 years as on the date of accident.

c. Respondent No. 1 -insurer has filed statement of objections denying the contents of claim petition, age, occupation and income of the deceased. Respondent No.1



admitted that issuance of insurance policy of vehicle bearing registration No.KA-05/AD-8460. Respondent No.1 denied that the accident took place due to rash and negligence driving of the driver of Eicher Canter and contended that accident took place due to negligent driving of the deceased.

3. Based on the above pleadings, the Tribunal has framed the following issues:

*"1. Whether petitioners prove that deceased Chakuli Ganesh was died on account of road traffic accident which took place on 18.07.2021 at about 8.15 a.m., when he was proceeding in a motor cycle bearing No.KA-04-TRIAL COURT-05 at that time a Eicher Canter bearing Reg. No.KA-05-AD-8460 which was parked by its driver in negligent manner without any indications/signals near Allalsandra Bridge and deceased dashed against the parked vehicle due to which sustained grievous injuries and died during the treatment, within the jurisdiction of Yalahanka Traffic Police Station?*

*2. Whether the petitioners are entitled for compensation ? If so, how much and from whom?*



3. *What order or award?"*

a. Claimant No.2 has been examined as P.W.1 and got marked documents as Ex.P1 to Ex.P17. Administrative Officer of the insurer has been examined as R.W.1 and got marked documents as Ex.R1 and Ex.R2.

b. The Tribunal after hearing arguments on both sides and appreciating the evidence on record has awarded the compensation under different heads as under:

No.	Particulars	Amount
a.	Towards dependency & loss of future earnings.	Rs.22,68,000/-
b.	Towards Filial Consortium	Rs.80,000/-
c.	Towards loss of estate and Funeral expenses	Rs.30,000/-
	<b>Total Compensation</b>	<b>Rs.23,78,000/-</b>

c. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till reliasaiton.

d. Not satisfied with the compensation awarded by the Tribunal, claimants have filed this appeal seeking enhancement of compensation.



4. Heard learned counsel for appellants –claimants and learned counsel for respondent No.1 –insurer.

5. Learned counsel for appellants –claimants would contend that the deceased was B.Tech student and considering the said aspect, notional income in a sum of Rs.15,000/- is on lower side. He placed reliance on the decision of this Court in the case of **Nagaraju Srinivas Rao and Others Vs Reliance General Insurance Co. Ltd and Another<sup>1</sup> and Mallikarjun Vs Umesh<sup>2</sup>** would contend that income is to be taken at Rs.25,000/- per month as the deceased was student of B.Tech. He further contended that the claimants are entitled to consortium. Consortium is awarded at Rs.40,000/- requires to be calculated by escalation by 10% in view of decision of **National Insurance Company Vs Pranay Sethi and Ors<sup>3</sup>**. He further submits that claimant No.3 who is brother of the deceased is entitled to consortium since he has lost love and

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<sup>1</sup> In MFA No.2741/2023 dated 08.10.2025

<sup>2</sup> In LAWS(KAR)-2020-2-173

<sup>3</sup> AIR 2017 SC 5157



affection of his brother. With this, he prays to allow the appeal and enhance the compensation amount.

6. Learned counsel for respondent No.1 would contend that income taken by the Tribunal and compensation awarded is just and proper.

7. Having heard learned counsels, this Court has perused the impugned judgment, award and trial Court records.

8. The following points arise for consideration:

1) Whether the Tribunal is justified in taking the income of the deceased at Rs.15,000/- per month even though the deceased was student of B.Tech?

2) Whether claimants are entitled to consortium of Rs.40,000/- with 10% escalation?

**Point No.1:** Ex.P17 indicates that the deceased – Ganesh was student of B.Tech. As the deceased was the student of B.Tech, notional income fixed for unskilled labour cannot be taken into consideration. In view of the decisions



of the Division Bench of this Court, income of the deceased who is student studying in Engineering/B.tech is to be taken at Rs.25,000/- per month. Accordingly, point No.1 is answered.

9. **Point No.2:** The Tribunal has awarded consortium of Rs.40,000/- each to claimant Nos.1 and 2 and has not awarded to claimant No.3 who is brother of the deceased. Claimant Nos.1 and 2 are parents of the deceased. In view of the decision of Hon'ble Apex Court in the case of ***Pranay Sethi (supra)***, claimant Nos.1 and 2 are entitled to consortium of Rs.40,000/- each with escalation at 10% i.e, Rs.44,000/- each. Claimant No.3 being the younger brother of the deceased has also lost love and affection of his brother who died in the incident and therefore, he is also entitled to loss of consortium in a sum of Rs.44,000/-. Claimants are entitled loss of dependency as under:

$$\text{Rs.25,000/-} + 40\% = \text{Rs.35,000/-} \text{ minus } 50\%$$
$$= 17,500\text{-} \times 12 \times 18 = \text{Rs.37,80,000/-}$$



10. Claimant Nos. 1 to 3 are entitled consortium of Rs.44,000/- each i.e.,Rs.1,32,000/-. Claimants are entitled to loss of estate in a sum of Rs.30,000/- with escalation of 10% i.e., Rs.33,000/-. Claimants are entitled to total compensation of Rs.39,45,000/-.

11. In view of the above, claimants are entitled to enhanced compensation of **Rs.15,67,000/-** with interest at the rate of 6% per annum from the date of petition till reliasation. Respondent No.1 is liable to pay the said enhanced compensation of **Rs.15,67,000/-** with interest at the rate of 6% per annum from the date of petition till reliasation.

12. In the result, the following

ORDER

- i) The appeal is ***allowed in part.***
- ii) Appellants – claimants are entitled to total enhanced compensation of **Rs.15,67,000/-** with interest at the rate of 6% per annum from the date of petition till reliasation.



- iii) Claimant No.3 –brother of the deceased is entitled to Rs.44,000/- only out of the said compensation amount with proportionate interest.
- iv) Claimants are entitled to release of entire enhanced compensation amount with interest.
- v) Claimants Nos. 1 and 2 are entitled to equal share in loss of the dependency, loss of estate and loss of consortium.
- vi) Draw award accordingly.

**Sd/-**  
**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

DSP  
List No.: 1 Sl No.: 57