HC-KAR
NC: 2026:KHC:64188
MFA No. 7104 of 2026
CNR: KAHC010673732026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7104 OF 2026

(MV-I)

BETWEEN:

1. SMT. PREMA
   W/O. LATE SURESH R.
   AGED ABOUT 41 YEARS

2. SMT. MALLEGAMMA,
   W/O. LATE GOVINDAPPA
   AGED ABOUT 63 YEARS.

   BOTH ARE RESIDING AT No.7
   3RD BLOCK, RAJIV GANDHI HOUSING COLONY
   GIDDENAHLLI, KENGARI
   BANGALORE - 562 130.

...APPELLANTS

(BY SRI. HARI KISHORE, ADVOCATE FOR
H N HARISH BABU, ADVOCATE)

AND:

1. SRI. UMA MAHESH M
   S/O. MURUTHYANJAYA B.,
   No. 1898, C BLOCK, 8TH CROSS
   MAHADEVAPURA, MYSORE - 570 008.

2. THE BRANCH MANAGER
   SHRIRAM GENERAL INSURANCE CO. LTD.,

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

No.E/5, 3RD FLOOR, SV ARCADE
BELEKAHALLI MAIN ROAD
OFF. BANNERUGHATTA ROAD
IIM-B POST, BANGALORE - 560 076.

3. SRI. K.R.RAMESH,
No.38, 1ST MAIN RAOD
O0PP. KABIR MATT
KENGERI SATELLITE TOWN
BANGALORE.

4. THE MANAGER LEGAL
HDFC ERGO GENERAL INSURANCE CO. LTD.,
H.M.GEEVAN HOUSE
UNITE No.14, 1ST FLOOR
CUNNINGHAM ROAD
BANGALORE- 560 052.

…RESPONDENTS

(BY SRI ANOOP SEETHARAMA RAO, ADVOCATE FOR R2
SMT. GEETHA RAJ, ADVOCATE FOR R4
V/O DTD. 19.11.2026, NOTICDE TO R1 & R3 ARE D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.03.2026 PASSED IN MVC No.125/2023 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, MACT, BENGALURU 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

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ORAL JUDGMENT

This appeal is filed by appellants -claimants seeking enhancement of compensation awarded in judgment and award dated 03.03.2026 passed in MVC No.125/2023 by the III Additional Judge, Court of Small Causes and mACT, Bengaluru (SCCH-18).

2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsels for respondent Nos.2 and 4.

3. The appellants made a claim petition praying to award compensation for the death of Sanjay S in a road traffic accident occurred on 03.09.2022 contending that the accident occurred due to rash and negligent driving of the driver of Eicher Lorry bearing registration No.KA-01/AM-8067. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the

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compensation and awarded compensation under various heads as under:

Compensation heads	Compensation Amount
Towards loss of dependency	Rs.23,43,600-00
Towards loss of consortium	Rs.44,000-00
Towards loss of estate	RS.16,500-00
Towards funeral & obsequies ceremony expenses	RS.16,500-00
Total	**Rs.24,20,600-00**

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization and directed respondent No.2 -insurer to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the present appeal.

5. Heard learned counsel for appellant, learned counsel for respondent No.2 and learned counsel for respondent No.4.

6. Learned counsel for appellant would contend that the claimant No.2 is the grandmother of the deceased

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and she was residing with the deceased and dependent on him. Therefore, she is entitled to loss of love and affection and the same has not been awarded by the Tribunal.

7. The Tribunal in compensation has awarded 5% share to the claimant No.2/grandmother of the deceased. Considering that the grandmother was dependent on the deceased and she was residing with the deceased, she is entitled to loss of love and affection in a sum of Rs.25,000/-. Respondent No.2 -insurer is liable to pay the said enhanced compensation with interest.

8. In view of the above, the following

ORDER

i) The appeal is ***allowed in part.***

ii) The appellants -claimants are entitled to enhanced compensation of Rs.25,000/- with the interest at the rate of 6% per annum from the date of petition till realization.

iii) Respondent No.2 -insurer shall deposit the said enhanced compensation with interest before

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the Tribunal within a period of 06 weeks from this day.

iv) Appellant No.2/claimant No.2 is entitled to release of entire enhanced compensation with interest.

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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 40
Ct.sm