



CNR: KAHC010505862025

NC: 2026:KHC:36337
MFA No. 5683 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 5683 OF 2025

(MV-D)

BETWEEN:

1. THE MANAGER
RELIANCE GEN. INSURANCE CO. LTD.,
5TH FLOOR, CENTURY BUILDING
M.G. ROAD
BANGALORE-560 001.
REP. BY ITS MANAGER LEGAL.

...APPELLANT

(BY SRI D VIJAYA KUMAR, ADVOCATE)

AND:

1. SMT. SIDDAMMA
W/O. MALLAPPA
AGED ABOUT 36 YEARS.
2. SRI. DHAVANHARSHA
S/O. MALLAPPA
AGED ABOUT 15 YEARS.
3. SUJATHA
D/O. MALLAPPA
AGED ABOUT 9 YEARS.
4. CHIDANANDA
S/O. MALLAPPA





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AGED ABOUT 7 YEARS.

5. SRI. MALLAYYA
S/O. THIMMANNA
AGED ABOUT 81 YEARS.

6. SMT. NAGAMMA
W/O. MALLAYYA
AGED ABOUT 75 YEARS

THE RESPONDENTS ARE R/AT
No.1/86, NEAR MALLAYYA TEMPLE
BELGERE VILLAGE 7 POST
ATTIKONI HOBLI, YADGIRI TALUK
YADGIRI DISTRICT-585 321.

SINCE THE RESPONDENTS No.2, 3 & 4
ARE MINORS, HENCE REPRESENTED BY THEIR
MOTHER/NATURAL GUARDIAN
SMT. SIDDAMMA, RESPONDENT No.1
ON BEHALF AND BEHALF OF THE
MINOR RESPONDENTS ALSO)

7. SUMUKA ENTERPRISES
No.8G2, 7TH MAIN, 2ND CROSS
OPP. AIT COLLEGE
NAGARABHAVI RING ROAD
BENGALURU SOUTH
BENGALURU-560 110.
(EXPARTE).

...RESPONDENTS

(BY SRI NAIK KRISHNA VENKATRAMAN, ADVOCATE FOR R1-R6
(R2-R4 ARE MINORS, REP. BY R1)
V/O DTD. 16.17.2026 NOTICE TO R7 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:09.06.2025
PASSED IN MVC No.4244/2024 ON THE FILE OF THE III
ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL



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CAUSES, BENGALURU (SCCH-18), AWARDING COMPENSATION OF RS. 30,81,375/- FROM THE DATE OF PETITION TILL THE DATE OF DEPOSIT.

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 the insurer challenging the liability and quantum of compensation awarded in the Judgment and Award dated 09.06.2025 passed in MVC.No.4244/2021 by the III Additional Judge, Court of Small Causes, M.A.C.T., Bengaluru (SCCH-18).

2. Even though the matter is listed today for orders/admission, with the consent of both the learned counsels appearing for parties, the matter is taken up for disposal.

3. The respondents filed a claim petition seeking compensation for the death of Mallappa in a road traffic accident occurred on 05.06.2024 contending that the



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accident occurred due to the rash of negligent driving by the driver of the goods vehicle bearing registration No.KA-41-D-3579. The Tribunal recorded the evidence, appreciating the evidence on record has assessed the compensation and awarded the compensation under various heads as under:

Compensation heads	Compensation Amount
Towards loss of dependency	Rs.27,84,375-00
Towards loss of consortium	Rs.2,64,000-00
Towards loss of estate	Rs.16,500-00
Towards funeral & obsequies ceremony expenses	Rs.16,500-00
Total	Rs.30,81,375-00

4. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realization. The Tribunal has held that the said accident occurred due to the sole negligent driving of the driver of the insured vehicle and further held that the appellant/Insurer is liable to pay the compensation to the claimants. The Insurer challenging the liability and quantum of compensation has filed the present appeal.



5. Heard the learned counsel for the appellant - Insurer and learned counsel for respondents.

6. Learned counsel for the appellant would contend that, the deceased was a rider of motorcylce, came on the right side of the road and dashed to the insured vehicle and there is head on collusion. Therefore, there is a contributory negligence on the part of the deceased. Learned counsel further contends that age of the deceased as per Ex.P15 - Aadhar Card, is 40 years 06 months 05 days and the Tribunal ought to have taken the age of the deceased as 41 years and multiplier 14. With these, he prayed to allow the present appeal.

7. Learned counsel for the respondents would contend that, the charge sheet has been filed against the driver of the insured vehicle. Therefore, there is no any negligence on the part of the deceased. The Tribunal has rightly taken the age of the deceased based on his date of



birth mentioned in Ex.P15 - Aadhar Card and rightly applied multiplier. Hence, he prayed to dismiss the appeal.

8. Having heard the learned counsels appearing for parties, the Court has perused the Judgment and Award.

9. The accident took place on 05.06.2024 at about 07.00 a.m. The charge sheet has been filed against the driver of the insured vehicle. The insurer has not lead any evidence to indicate the rash and negligent driving of the deceased. Considering the said aspect, the Tribunal has rightly held that the accident occurred due to sole negligence of the driver of the insured vehicle.

10. The Aadhar Card of the deceased is at Ex.P15 and as per that the date of birth of the deceased is 01.01.1984. The accident occurred on 05.06.2024. Considering the said date of birth, the age of the deceased is 40 years 05 months. The Tribunal has taken the age of the deceased as 40 years and applied multiple 15.



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11. The Hon'ble Apex Court in the case of **Samsun Bee & Others vs. United India Insurance Co. Ltd and others¹** has held as under:

*"9. On the aspect of multiplier, both the Tribunal and the High Court applied it to be 13. As already observed supra the age was determined as 45 years and 3 months on the basis of marksheet. The question that arises is whether the multiplier to be applied will be 13 or 14, given the categorisation made in **Sarla Verma (Supra)**. The same is reproduced as under for reference, as approved in **Pranay Sethi (Supra)**.*

"42. As far as the multiplier is concerned, the Claims Tribunal and the courts shall be guided by Step 2 that finds place in para 19 of Sarla Verma [Sarla Verma v. DTC, (2009) 6 SCC 121 : (2009) 2 SCC (Civ) 770 : (2009) 2 SCC (Cri) 1002] read with para 42 of the said judgment. For the sake of completeness, para 42 is extracted below : (Sarla Verma case [Sarla Verma v. DTC, (2009) 6 SCC 121 : (2009) 2 SCC (Civ) 770 : (2009) 2 SCC (Cri) 1002] , SCC p. 140)

"42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the Table above (prepared by applying Susamma Thomas [Kerala SRTC v. Susamma Thomas, (1994) 2 SCC 176 : 1994 SCC C.A. @ SLP (C) No.

¹ In 2026 ACJ 532



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9776 of 2025 Page 5 of 12 (Cri) 335] , Trilok Chandra [UPSRTC v. Trilok Chandra, (1996) 4 SCC 362] and Charlie [New India Assurance Co. Ltd. v. Charlie, (2005) 10 SCC 720 : 2005 SCC (Cri) 1657]), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is, M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."

As can be seen from the above the multiplier of 14 is to be applied when the age of the deceased person is falls within 41 to 45 and multiplier of 13 is to be applied when the age of the deceased person is between 46 and 50. In this case, the age is categorically recorded as been 45 years and 3 months. The question then is whether the higher multiplier would continue to apply till the person has clearly entered into the next age bracket i.e., 46 to 50 or, would the lower multiplier be applied immediately after the day, that the deceased person crosses the threshold of 45 for instance as in the present case. In our considered view, the former is the correct approach. We say so for the reason that, in general parlance when age is described or discussed, the higher number is addressed only when the person attains that particular age. That apart, legally speaking the age is a crucial aspect that has to be taken into account when the Tribunal or higher appellate



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authorities are tasked with determining the possibilities of future earning of the deceased person. The higher the age the lesser the multiplier. Therefore, keeping in view the overarching principle of just and fair compensation which is to inform each and every computation, application of a lower multiplier right at the higher threshold of the previous one, it has to be held the same would be impermissible. In other words, the high limit of the previous multiplier would be inclusive of the 12 months' time, till the age of the deceased person is squarely within the lower limit of the next bracket. To illustrate, in case where the age of the deceased person or injured person, is 35 years 11 months, then the multiplier of 16 would apply, instead of 15. The later would only apply once the injured/deceased has positively crossed the age of 36 years, for example if he was aged 36 years and 3 days.

12. The Hon'ble Apex Court in the said case has held that the completed age is to be taken into consideration. The deceased has not completed 41 years and therefore, the age of the deceased has rightly taken by the Tribunal as 40 years.

13. Considering the above aspects, the following:



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ORDER

- i) The appeal is ***dismissed***.
- ii) The amount in deposit is ordered to be transmitted to the Tribunal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 18
Ct.sm