

Karigowda vs Shankar C K

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Court : Karnataka

Decided On : Oct-31-2025

Judge : B M Shyam Prasad,T.M.Nadaf

Appeal No. : MFA/3362/2023

Appellant : Karigowda

Respondent : Shankar C K

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2025 PRESENT THE HON'BLE MR. JUSTICE B M SHYAM PRASAD AND THE HON'BLE MR. JUSTICE T.M.NADAF MISCELLANEOUS FIRST APPEAL NO. 3362 OF 2023 (MV-D) BETWEEN:

1. KARIGOWDA S/O LATE KARIGOWDA, AGED ABOUT 52 YEARS,
2. SANNARATHNAMMA

W/O KARIGOWDA, AGED ABOUT 47 YEARS, BOTH ARE R/O GANJIGERE KOPPAL, GANJIGERE POST, KRISHNARAJPET TALUK, Digitally signed by

MANDYA DISTRICT-571426. VANAMALA N Location: APPELLANTS HIGH COURT OF (BY SRI. PRAKASHA H C.,ADVOCATE) KARNATAKA AND:

1. SHANKAR C K S/O KALAI AH, AGED ABOUT 61 YEARS, R/AT CHIKKA GADIGANAHALLI, BOOKANAKERE HOBLI, KRISHNARAJAPET TALUK, -2- MANDYA DISTRICT-571426.

2. B K MADAN MOHAN S/O LATE B KRISHNAPPA, AGED ABOUT 55 YEARS, R/O BOOKANAKERE VILLAGE, K.R. PET TALUK, MANDYA DISTRICT-571426.

3. THE NATIONAL INSURANCE CO. LTD.,

R/O NO.3, MIDDLETON STREET, POST BOX, NO.9229, KOLKATA-700001, BRANCH OFFICE AT THE NATIONAL INSURANCE CO LTD, DIVISIONAL OFFICE-II NO.1. SRINIVASA PLAZA 1ST FLOOR, 5TH STAGE ADICHUNCHANAGIRI ROAD, KUVEMPUNAGARA, MYSURU-570001. REP BY ITS MANAGER.

RESPONDENTS (BY SRI.RAVISH BENNI., ADVOCATE FOR R3; VIDE ORDER DATED 31.10.2025; NOTICE TO R1 & R2 IS DISPENSED WITH) THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.08.2022 PASSED IN MVC NO.468/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE MEMBER, MACT, JMFC, K.R.PET, PARTLY ALLOWING THE CLAIM -3- PETITION FOR COMPENSATION SEEKING ENHANCEMENT OF COMPENSATION. THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD and

HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE B M SHYAM PRASAD) The claimants are the parents of Sri Mahesh, who has died in a road accident on 01.11.2013. Sri.Mahesh was 19 years at the time of his death. The claimants' petition under Section 166 of the Motor Vehicles Act, 1988 [for short, 'the MV Act'] in MVC

No.468/2014 on the file of the Senior Civil Judge and JMFC, Krishnarajpet [for short, 'the Tribunal'] is allowed in part. The Tribunal, by the impugned

judgment and award dated 20.08.2022, has granted

a total sum of Rs.13,42,000/- as compensation to the -4- claimants, and the computation of this compensation is as follows: Sl.No Head Amount in Rs. 1 Loss of Dependency 12,10,000/- (with Future prospectus) 2 Loss of Estate 18,000/- 3 Loss of consortium 96,000/- (Rs.48,000/- each) 4 Funeral Expenses 18,000/- Total 13,42,000/-

2. Sri Prakash H.C., the learned counsel for

the claimants and Sri Ravish Benni, the learned counsel for the Insurer, are in unison in stating that Sri Mahesh met with a road accident on 01.11.2013 when he was riding his motorcycle near Ganjigere - Kuruballi road; that the Insurer has not challenged the Tribunal's finding that the driver of the offending vehicle [a bus] was negligent. The learned counsels also are in unison in stating that the Tribunal has granted just compensation towards loss of consortium, loss of estate, transportation/funeral expenses and that the Tribunal has rightly added -5- 40% of the income towards loss of future prospects to the claimants deducting 50% of the income towards deceased's personal expenses and computing the loss of dependency applying the multiplier of '18'. Sri.Prakash H.C. and Sri Ravish Benni underscore that the dispute is only about the income that is taken by the Tribunal.

3. The Tribunal, because the claimants have

not established the deceased's actual income, has taken the notional income at Rs.8,000/- per month according to the schedule evolved for settlement in Lok-Adalat when there is no proof of actual income. Sri Prakash H.C. submits that the claimants have stated on oath that their son, who was 19 years, was engaged in agriculture and that they own land in Ganjigere, Bookinakere Hobli and that they have also produced RTC to show the ownership of these lands. Sri Ravish Benni canvasses that the RTC may have been produced, but the RTC does not show the -6- details of the crops grown and as such the Tribunal is justified in taking the

deceased's notional income at Rs.8,000/- per month.

4. This Court must observe that the notional

income for settlement in Lok-adalat is evolved as a benchmark for the income of an unskilled person when there is no proof of actual income, and this Court is of the view that if it is shown that the victim was engaged in agriculture in his/her land, the notional income need not be applied as a rule because a person who owns lands and is engaged in cultivating will work more than an hired hand or an unskilled hand. On the question of enhancement in the present case in the light of the materials placed on record, this Court is of the view that to grant just and reasonable compensation, the notional income must be taken at Rs.9,000/- retaining all other parameters. -7-

5. This Court has in arriving at this figure has

also considered the total extent of land as is seen from the RTC's [Exs.P7 and P8]. If the loss of dependency is so recomputed, it would be in a sum of Rs.13,60,800/- : Details for Computation of Loss of Dependency Monthly Income Rs.9,000/- Addition towards Future Prospects 40% Rs.3,600/- Monthly Income + Future Prospects Rs.12,600/- Annual Income Rs.1,51,200/- Deduction Towards personal expenses Multiplicand [After Deduction towards Rs.75,600/- personal Expenses] Multiplier 18 Loss of Dependency Rs.13,60,800/- The comparative table of the compensation awarded by the Tribunal and enhanced by this Court reads as under: -8-

Sl.No.	Heads	Amount	Amount by
	prospectus)		
2	Loss of Estate	18,000	18,0003

In the light of the afore, the following:

ORDER

[a] The appeal is disposed of granting to the claimants an enhanced compensation in a sum of Rs.1,50,800/- modifying the Tribunal's impugned judgment and award dated 20.08.2020 in MVC No.468/2014 along with interest at 6% per annum. [b] The Insurer is called upon to deposit this enhanced compensation with the Tribunal with interest within eight [8] weeks from the date of receipt of certified copy of this order. -9- [c] The Tribunal is called upon to disburse this amount equally to both the claimants. Sd/- (B M SHYAM PRASAD) JUDGE Sd/- (T.M.NADAF) JUDGE SA ct:sr

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