



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

**DATED THIS THE 25<sup>TH</sup> DAY OF OCTOBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE UMESH M ADIGA**

**MISCELLANEOUS FIRST APPEAL NO. 4242 OF 2022 (MV-D)**

**C/W**

**MISCELLANEOUS FIRST APPEAL NO. 3740 OF 2021 (MV-D)**

**IN MFA No. 4242/2022**

**BETWEEN:**

1. LT. COL. RAJINDER SINGH SHEKHAWAT  
S/O SHYAM SINGH  
AGED ABOUT 53 YEARS
2. SMT. VANITHA SHEKHAWAT  
W/O LT.CO. RAJINDER SINGH SHEKHAWAT  
AGED ABOUT 43 YEARS

BOTH ARE RESIDING AT  
G-55, V.I.S.L.-S.A.I.L  
BHADRAVATHI  
SHIVAMOGGA - 577 221

...APPELLANTS

(BY SRI. M.V. MAHESWARAPPA, ADVOCATE)

**AND:**

1. SRI. GIRISH G. V.  
S/O VENKATESH  
AGED ANOUT 28 YEARS  
R/O NO.07, BRINDAVAN SHREYAS RESIDENCY  
KADABAGERE MAIN ROAD

R





BEHIND JANAPRIYA TOWNSHIP  
MAGADI MAIN ROAD  
BENGALURU - 562 130

2. SMT. MANJULA  
W/O NAGARAJ A C  
AGED ABOUT 46 YEARS  
R/AT 12/7, AJEEMA BUILDING  
A V ROAD, OPP. KALASIPALYA BUS STAND  
BENGALURU - 560 002.
  
3. THE MANAGER SRIRAM  
GENERAL INSURANCE CO. LTD.,  
E-8, EPIP, RHCO INDUSTRIAL AREA,  
SITAPURA JAIPUR RAJASTHAN - 302 022  
INDIA, REP. BY ITS BRANCH MANAGER  
SRIRAM GENERAL INSURANCE CO. LTD.,  
GAONKAR COMPLEX  
D.NO. 384, 1ST FLOOR,  
OPP. SHANESHWARA TEMPLE  
BRAMAHAKUMARI ROAD  
3RD CROSS, DURGIGUDI  
SHIVAMOGGA - 577 221

...RESPONDENTS

(BY SRI. VIJAYA PHANEEBDRA T.B, ADVOCATE FOR  
SRI. A.N. KRISHNASWAMY, ADVOCATE FOR R3;  
VIDE ORDER DATED 23.09.2025, NOTICE TO R1 AND R2 IS  
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 20.03.2021 PASSED IN MVC  
NO. 474/2019 ON THE FILE OF THE IV ADDITIONAL DISTRICT  
AND SESSIONS JUDGE, SITTING AT BHADRAVATHI,  
ADDITIONAL MACT(IV), SHIMOGGA, ALLOWING THE CLAIM  
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT  
OF COMPENSATION.



**IN MFA NO. 3740/2021**

**BETWEEN:**

THE MANAGER  
SRIRAM GENERAL INS. CO. LTD.,  
E-8, EPIP, RHCO INDUSTRIAL AREA  
SITaura, JAIPUR, RAJASTHAN - 302 022,  
INDIA, NOW REPRESENTED BY THE MANAGER  
SHRIRAM GENERAL INS. CO. LTD.,  
NO. 3/5, III FLOOR, S V ARCADE  
BILAKALLI MAIN ROAD, OFF B.G. ROAD  
IIM POST, BENGALURU - 560 076

...APPELLANT

(BY SRI. VIJAYA PHANEENDRA T.B, ADVOCATE FOR  
SRI. A.N. KRISHNA SWAMY, ADVOCATE)

**AND:**

1. LT. COL RAJINDER SINGH SHEKHAWAT  
S/O SHYAM SINGH  
AGED ABOUT 52 YEARS
2. SMT. VANITHA SHEKHAWAT  
W/O LT. COL. RAJINDER SINGH SHEKHAWAT  
AGED ABOUT 42 YEARS

BOTH ARE RESIDENTS OF  
G-55, V.I.S.L.-S.A.I.L  
V.I.S.I., OFFICER COLONY  
BHADRAVATHI - 577 301.

3. GIRISH G V  
S/O VENKATESH  
AGED ABOUT 27 YEARS  
DRIVER OF KA-49-1529



S.R.M.S BUS  
R/O NO. 07, BRINDAVAN SHREYAS RESIDENCY  
KADABAGERE MAIN ROAD,  
JANAPRIYA TOWNSHIP,  
BEHIND MAGADI MAIN ROAD  
BANGALORE - 562 130.

4. SMT. MANJULA  
W/O NAGARAJ A.C  
AGED ABOUT 45 YEARS  
OWNER OF S R M S  
BUS BEARING REG NO. KA-49-1529  
R/O NO.12/7, AJEEMA BUILDING  
A.V. ROAD, OPP. KALASIPALYA BUS STAND  
BANGALORE - 560 002

...RESPONDENTS

(BY SRI. M.V. MAHESWARAPPA.,ADVOCATE FOR  
R1 AND R2;  
VIDE ORDER DATED 16.10.2025, NOTICE TO R3 AND  
R4 DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST  
THE JUDGMENT AND AWARD DT.20.03.2021 PASSED IN  
MVC NO.474/2019 ON THE FILE OF THE IV ADDITIONAL  
DISTRICT AND SESSIONS JUDGE, SHIMOGA, SITTING AT  
BHADRAVATHI, AWARDDING COMPENSATION OF  
RS.16,75,000/- WITH INTEREST AT 6 PERCENT P.A. FROM  
THE DATE OF PETITION TILL REALISATION.

THESE APPEALS, COMING ON FOR ADMISSION, THIS  
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA



### **ORAL JUDGMENT**

Both these appeals arising out of judgment and award dated 20.03.2021 passed in MVC No.474/2019.

2. The claimants has filed MFA No.4242/2022 being aggrieved by the judgment and award dated 20<sup>th</sup> March 2021, passed in MVC No.474/2019 by the IV Addl. District and Sessions Judge, Shimoga, sitting at Bhadravathi and Addl. MACT.(IV) (for short `Tribunal') and MFA No.3740/2021 is filed by the insurer against the very same judgment and award.

With the consent of both the sides, both appeals are taken up together for final disposal.

3. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

4. The brief facts of the case are that, on 10.11.2018, at about 7.00 a.m., the deceased-Diya Shekavath, daughter of claimants aged about 15 years



met with an accident due to rash and negligent driving of the bus bearing registration No.KA.49.1529, near Southikere of N.R.Pura Taluk. Deceased was a passenger of the said bus. She sustained grievous injuries and died on the spot. She was studying in the 10th Standard at Poornaprajna Education Centre, Bhadravathi. She was said to be a bright student and actively participated in sports activities. The claimants had only one daughter, who lost her life in the accident. With these reasons, claimants sought for compensation of Rs.78,00,000/-.

5. Respondent No.1 was the driver, respondent No.2 was the owner and respondent No.3 was the insurer of the offending bus.

6. Before the Tribunal, respondents No.1 and 2 remained ex-parte and respondent No.3 filed written statement denying the averments stated in the claim petition and denied its liability to pay the compensation and prayed to dismiss the petition.



7. From the rival contentions of the parties, the Tribunal framed necessary issues. The Tribunal recorded evidence and after hearing arguments of both the parties, the Tribunal by the impugned judgment, awarded following amount of compensation:

1.	Towards loss of dependency	:	Rs.16,20,000/-
2.	Towards transportation of dead body and funeral expenses	:	Rs. 15,000/-
3.	Towards loss of love and affection	:	Rs. 40,000/-
	Total	:	Rs.16,75,000/-

8. The Tribunal held that the accident occurred due to the negligent driving of the offending bus. The Tribunal took the notional income of the deceased as ₹15,000/-, added 50% of the income towards future prospects, applied the multiplier of '18', and calculated the amount of compensation under the head "loss of dependency."



9. Being dissatisfied with the award passed by the Tribunal, the claimant preferred MFA No. 4242/2022 seeking enhancement of compensation, while respondent No. 3 - the insurer preferred MFA No. 3740/2021 on the ground that an exorbitant amount had been awarded by the Tribunal.

10. I have heard the arguments of learned advocates for both the parties.

11. The fact of the accident and the resultant death of the claimants' daughter, aged about 15 years and studying in SSLC, is not in dispute. Hence, no need to reconsider the same.

12. The learned counsel for the claimants vehemently contended that the Tribunal, while taking the notional income of ₹15,000/-, not included the amount towards future prospects. It has not followed the law laid down in the case of ***Kajal v. Jagdish Chand and Others*** reported in ***(2020) 4 SCC 413*** and recent judgment of



the Apex Court in the case of ***Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari & Anr.***, decided on **8<sup>th</sup> August, 2025** in ***Civil Appeal No.10278/2025 (SLP(C)No.14444/2025)*** and not taken notional income of deceased as per Minimum Wages Act.

13. Learned counsel has also submitted that Division Bench judgment of this Court in ***MFA No.7174/2019 (MV-D)*** decided on 27<sup>th</sup> June, 2023 in the case of ***Parameshwarappa N.H. and anr., v. Halesh and anr.***, where the Court had taken income of a deceased minor as Rs.15,000/- per month.

Division Bench judgment of this Court in ***MFA No.102268/2019(MV)*** dated 13<sup>th</sup> November 2020 in the case of ***Chetana and others v. Babuji.M. and others***, the deceased was a minor aged about 17 years, his notional income was taken as Rs.10,250/- per month, and 40% of the income was added towards future prospects.



In **(2014) 11 SCC 178** in the case of **V.Mekala v. M.Malathi & another** where the injured was a minor aged about 16 years, his notional income was taken as Rs.18,000/- per month, and future prospects were added while awarding compensation. It is further submitted that, in the latest judgment of *Hitesh Nagjibhai Patel* (referred to supra), the Hon'ble Apex Court has unequivocally held that the income of a minor shall not be considered as that of a non-earning member, but must be assessed on the basis of the Minimum Wages Act. It has also been held that, in the event the claimants are unable to produce the relevant minimum wages notification, it is the duty of the insurer to furnish the same before the Tribunal or Court for proper determination of compensation. Hence, in view of the law laid down in the aforesaid decisions, a just and reasonable amount of compensation is required to be awarded in the present case.

14. Learned counsel for the respondent-insurer vehemently opposes the said submissions and contends



that since the minor had no income, the income must be assessed on the basis of notional income, as held in *Kurvan Ansari v. Shyam Kishore Murmu* reported in **(2022) 1 SCC 317**, wherein total compensation awarded was Rs.4,70,000/- for death of a minor aged about 7 years. The Learned counsel also relied on the judgment of Apex Court in the case of ***Rajendra Singh v. National Insurance Co. Ltd.***, reported in **(2020) 7 SCC 256** wherein the total compensation awarded was Rs.2,95,000/-, due to the death of minor aged about 12 years.

In the case of ***Kishan Gopal v. Lala and others*** reported in (2014) 1 SCC 244 wherein case of death of a minor aged about 10 years, total compensation of Rs.5,00,000/- was awarded.

He further contends that in the case of ***RK Malik and another v. Kiran Pal and others*** reported in



**(2009) 14 SCC** 1, the Apex Court awarded compensation of Rs.2,95,000/- in a case of death of 10 years old minor.

Learned counsel for the insurer further stated that in all the aforesaid judgments, the Hon'ble Apex Court has consistently taken the notional income of minor between Rs. 15,000/- and Rs. 30,000/- per annum, as mentioned in Schedule II of the Motor Vehicles Act, while calculating compensation. The present case is not an exceptional one warranting a different view. He further contends that the law laid down in *Kajal* as well as in *Hitesh Nagjibhai Patel* is not applicable to the facts of the present case. Both decisions pertain to injury cases, and in *Hitesh Nagjibhai Patel*, the victim was suffering from a permanent disability to the extent of 90% of the whole body. Considering these facts and the sufferings of the boy aged about 16 years, the compensation was awarded therein. For these reasons, he prays that the compensation in the present case be recalculated in accordance with the law laid down in the aforesaid decisions.



As already stated above, in the present case, a girl aged about 16 years met with an accident and succumbed to the injuries sustained therein. She was studying in the 10th Standard at the time of the accident. While traveling in the school bus, due to the negligence of the driver, the bus hit an electric pole, causing her to sustain fatal injuries.

15. In ***Hitesh Nagjibhai Patel*** the Hon'ble Apex Court observed as under:

*"15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matrix of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law.*



*16. We may also observe that, in general, i.e., accidents involving adults, we are often confronted with situations where the Minimum Wage Data is not readily available and every so often, the question that has been made up to this Court hinges only on the calculation of income. In that view of the matter and in the hope of reducing the claimants need to file appeals to this Court or even the High Court, we deem it appropriate to direct that in cases where the claimant has failed to furnish appropriate details of income or adequate proof thereof, it shall be the responsibility and obligation of the contesting party, more particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned government.*

*18. In so far as the direction issued regarding the furnishing of the schedule of minimum wages by the insurance company in cases where the income of the claimant/deceased has not been properly established, let a copy of this order be sent by the Registrar Judicial of this Court to the learned Registrar Generals of the High Courts, who shall ensure that the a copy of this order is sent to all Motor Accident Claims Tribunals, to see that the direction is followed strictly."*



The Apex Court, in the aforementioned judgment, held that the Tribunal is required to consider the law laid down therein while awarding compensation. The question addressed by the Hon'ble Apex Court in the above said judgment does not pertain to cases of death or injury but relates to the assessment of income of a minor below the age of 18 years. Paragraph 15 of the said judgment, as referred to above, is clear in stating that it applies to both cases of death and injury. Therefore, the insurer's contention that, in the case of the death of a minor below the age of 17 years, compensation must be determined in accordance with a case cited by the insurer, is not tenable in law. In view of the recent judgment of the Apex Court in *Hitesh Nagjibai Patel*, the income of the deceased must be calculated based on the provisions of the Minimum Wages Act.

16. Learned counsel for the claimants produced the Karnataka Minimum Wages Notification, which is effective from April 1, 2018, to March 31, 2019. According to the



Notification, the income of a Skilled Worker in Zone-II shall be taken as Rs. 539.86 per day or Rs. 14,036.39 per month. Since the deceased was a resident of Bhadravathi, his income can be taken as per Zone-II in the said Notification. Accordingly, the income of the deceased is taken as Rs. 14,036/- per month, 40% of the same has to be added towards future prospects. Multiplier applicable between the age group of 15 to 18 as held in ***National Insurance Company Limited Vs. Pranay Sethi & Others<sup>1</sup>*** as well as ***Sarla Verma and Others Vs. Delhi Transport Corporation and Another<sup>2</sup>*** is '18'.

In the normal circumstances, in case of death of a minor, as held in the above said judgments, 50% of the income is to be deducted for personal expenses. In the case of ***Kishan Gopal*** referred supra Hon'ble Apex Court held that in case of minor, there shall not be any deductions. In that case, the annual income was taken as Rs.30,000/-, on the basis of the schedule II; where as in

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<sup>1</sup> (2017) 16 SCC 680

<sup>2</sup> AIR 2009 SCC 3104



the case of **Hitesh** referred supra, even though deceased was a minor, his income was taken on par with the major. Therefore, in the ends of justice, it is necessary to deduct 50% of the income towards personal expenses. On the basis of the above said figures, the amount of compensation under the head of loss of dependency shall be Rs.14,036/- + 40% x 12 x 18 x 50%

$$= \text{Rs.}19,650 \times 12 \times 18 \times 50\% = \text{Rs.}21,22,243/-.$$

17. Compensation has to be calculated under the conventional heads as held in the case of **Pranay Sethi** as well as **Magma General Insurance Co. Ltd. Vs. Nanu Ram<sup>3</sup>**. There are two claimants, who are the parents of the deceased, and each are entitled to compensation of Rs. 40,000/- for loss of consortium. Additionally, Rs. 15,000/- each shall be awarded to them towards funeral expenses and loss of estate.

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<sup>3</sup> 2018 ACJ 2782



18. Thus, the claimants/appellants are entitled to following compensation:

1.	Loss of dependency	: Rs.21,22,243/-
2.	Funeral expenses	: Rs. 15,000/-
3.	Loss of Estate	: Rs. 15,000/-
4.	Towards loss of Consortium	: Rs. 80,000/-
	<b>TOTAL</b>	<b>Rs.22,52,243/-</b>
	Amount awarded by Tribunal	: Rs 16,75,000/-
	Enhancement	: Rs.5,77,243/-
	Rounded of to	: <b>Rs.5,77,000/-</b>

19. Accordingly, the claimants are entitled to enhanced compensation of **Rs.5,57,000/-** with interest at 6% p.a. on the enhanced amount from the date of petition till its realization. Undisputedly, respondent No.3 is liable to pay the same.

20. In the result, I proceed to pass the following:



**ORDER**

i) MFA No.4242/2022 is allowed in part.  
MFA No.3740/2021 is dismissed.

ii) The judgment and award dated 20.03.2021, passed by the IV Additional District and Sessions Judge, Sitting at Bhadravathi, Additional MACT(IV), Shimogga, in MVC No.474/2019 is modified.

iii) The claimant is entitled to enhanced compensation of **Rs.5,57,000/-** with interest at the rate of 6% p.a. from the date of petition till its realization.

iv) The respondent No.3-Insurance Company shall deposit the amount within a period of six weeks from the date of award.

v) Remaining portion of the impugned judgment passed by the Tribunal is not disturbed.

vi) Whatever the amount deposited by the appellant in MFA No.3740/2022 shall be transmitted to the Tribunal for disbursement.



**NC: 2025:KHC:42261**  
**MFA No. 4242 of 2022**  
**C/W MFA No. 3740 of 2021**

vii) Send back the trial Court records along with a copy of this judgment.

Draw award accordingly.

**Sd/-**  
**(UMESH M ADIGA)**  
**JUDGE**

PSJ  
List No.: 1 Sl No.: 9