

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**DATED THIS THE 21<sup>ST</sup> DAY OF JULY 2016

PRESENT

THE HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

AND

THE HON'BLE MR. JUSTICE BUDIHAL R.B.

MISCELLANEOUS FIRST APPEAL No. 7672/2014(MV)**BETWEEN:**

1. S K Shivanna Gowda  
S/o Kempegowda  
Aged about 54 years  
Teacher, D Kalenahalli Village  
Kasaba Hobli  
Channarayapatna Taluk  
Hassan District-573 116.

2. Susheelamma  
W/o S K Shivannagowda  
Aged about 49 years  
Teacher, Moodanahalli Village  
Baguru Hobli  
Channarayapatna Taluk  
Hassan Taluk-573 116.

.. APPELLANTS

(By Sri K R Lingaraju, Adv.)

**AND:**

1. Chetana S  
S/o Shivannagowda S K  
Shanthi Nilaya  
Shanthi Nagara  
2<sup>ND</sup> Cross  
Bagur Road  
Channarayana Patna Town-573 116.
2. The Manager  
New India Insurance Company Limited  
Hassan, BO (672 401)  
Chandan Complex,  
Harsh Mahal Road  
Hassan Town and District-573 112. .. RESPONDENTS

(By Sri Anup, Adv. for  
Sri B C Seetharama Rao, Adv.)

This Miscellaneous First Appeal is filed under Section 173 (1) of MV Act against the judgment and award dated 17.09.2013 passed in MVC No.1589/2012 on the file of the II Additional District and Sessions Judge, C/C Fast Track Court, MACT, Channarayapatna, partly allowing the claim petition for compensation and seeking enhancement of compensation.

This Miscellaneous First Appeal coming on for Hearing this day, **MOHAN M. SHANTANAGOUDAR, J.**, delivered the following:

**JUDGMENT**

In the accident that occurred on 11.2.2012, Chandan, son of the claimants/appellants herein lost his life leaving behind the appellants. The tribunal below has awarded the total compensation of Rs.4,08,000/- under the various heads. This appeal is filed praying for enhancement of compensation.

2. It is not in dispute that the deceased Chandan was the final year engineering student. He had the bright career in the future. He was aged about 22 years at the time of the accident. He was a bachelor. Since the deceased was a student, the tribunal preferred to take Rs.2,250/- per month as notional income of the deceased for quantifying the compensation. It has adopted 13 as multiplier. The accident is of the year 2012 and generally, this Court takes Rs.8,000/- per month as notional income in respect of the accidents which occurred in the year 2012, in case if there is

no material to show the exact income of the deceased, for the purpose quantifying the compensation. Since the deceased was a young boy aged about 22 years at the time of the accident and as he was the final year engineering student, we deem it appropriate to quantify the notional income of the deceased at Rs.8,000/- per month.

The tribunal is not justified in adopting 13 as multiplier. The age of the deceased should have been taken into consideration for fixing the multiplier. Since the age of the deceased was 22 years, by applying the principles laid down in the case of **MUNNA LAL JAIN AND ANOTHER VS. VIPIN KUMAR SHARMA AND OTHERS (2015 AIR SCW 3105)**, the proper multiplier to be adopted is 18. We clarify that while adopting 18 as multiplier the age of the deceased is the sole basis. 50% of the income of the deceased needs to be deducted towards his personal expenses since he was a bachelor. Having regard to the aforementioned facts and figures, the claimants would be entitled to Rs.17,28,000/-

(Rs.8,000 x 12 x 18). Out of that, 50% needs to be deducted towards the personal expenses of the deceased. Thus, the claimants are entitled to Rs.8,64,000/- under the head 'loss of dependency'.

Apart from the same, the claimants being the parents of the deceased are also entitled to Rs.1,00,000/- each under head 'love and affection', Rs.15,000/- under the head 'transportation of the dead body' and Rs.25,000/- towards 'funeral and obsequies'.

3. Thus, in all, the claimants would be entitled to a total compensation of Rs.11,04,000/- as against Rs.4,08,000/- awarded by the Tribunal. Hence, the claimants would be entitled to enhanced compensation of Rs.6,96,000/- which shall carry interest at the rate of 9% per annum from the date of petition till the date of payment. The award of the Tribunal is modified accordingly.

The appeal is allowed in part in the above terms.

**Sd/-**  
JUDGE

**Sd/-**  
JUDGE

Cs/-  
Ct-Sg