

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 24TH DAY OF JANUARY 2011

BEFORE

THE HON'BLE MR.JUSTICE N.ANANDA

M.F.A.No.6825/2009 (MV)

BETWEEN:

1. Dyvamma
W/o Late Naganna @ Lakshmegowda
Aged about 42 Years.
2. Ananda
S/o Late Naganna @ Lakshmegowda
Aged about 24 Years.
3. Naveena
S/o Late Naganna @ Lakshmegowda
Aged about 22 Years.

All are r/o Sheettihalli Village
Shanthigrama Hobli
Hassan Taluk.

... Appellants

(By Sri.Prakash.H.C, Advocate)

AND:

1. The Divisional Manager
New India Assurance Co. Ltd.
B.H.Road, Bhadravathi
Reptd. by Divisional Manager
Prema Complex, Harshamahal Road
Hassan City.
2. S.S.Umesha, Major
S/o Late Shivashankaraiah

compensation awarded for the death of Naganna @ Lakshmegowda in a motor vehicle accident.

4. The claimants have proved that the deceased was aged about 45 years at the time of accident. Therefore, appropriate multiplier would be '14'. The claimants have produced RTC Extract marked as per Ex.P33, wherein, it is shown that deceased was holding and cultivating 16 Guntas of land. The Tribunal has determined his income as Rs.3,000/- per month. As the deceased was cultivating the land apart from doing agricultural works, his income is determined at Rs.3,600/- per month. After deducting 1/3rd of income of deceased towards personal and living expenditure of deceased, monthly loss of dependency would be Rs.2,400/- and capitalized loss of dependency would be Rs.4,03,200/- (Rs.2,400 x 12 x 14). In addition to this, the first claimant is entitled to compensation of

v. d. a. d. n.

Rs.10,000/- towards 'loss of consortium'. The claimants are entitled to compensation of Rs.30,000/- under conventional heads.

Thus, claimants are entitled to total compensation of Rs.4,43,200/-.

5. In the result, I pass the following:

ORDER

- (i) Appeal is accepted in part.
- (ii) The impugned award is modified by enhancing compensation of Rs.3,57,000/- awarded by the tribunal to Rs.4,43,200/-
- (iii) The rest of the award as it relates to rate of interest, period of accrual of interest and the liability of respondents is confirmed.

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- (iv) The payment, apportionment and investment shall be in the ratio evolved by the tribunal.

Parties to bear their costs.

Sd/-
JUDGE

Np