IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16th DAY OF NOVEMBER, 2026

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BEFORE

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

MISCELLANEOUS FIRST APPEAL NO.6466 OF 2025

(MV-D-CA)

BETWEEN:

1. SMT. SAKEENA
   W/O LATE. SHAREEF @ SHARIEF,
   AGED 29 YEARS.

2. BABY SANA FATHIMA
   D/O LATE. SHAREEF @ SHARIEF,
   AGED 9 YEARS.

3. SMT. SAFIYA
   W/O ABDUL KHADAR,
   AGED ABOUT 61 YEARS.

   (THE APPELLANT NO.2 IS MINOR AND REPRESENTED BY HER NATURAL GAURDIAN MOTHER, THE APPELLANT NO.1 HEREIN.)

   ALL ARE R/O. K.G.N.MANZIL,
   NEAR MARI GUDI, PILYA,
   BELTHANGADY TQ.,
   PRESENTLY R/AT NALPAD BUILDING,
   AZIZUDDIN ROAD, BUNDER,
   MANGALURU.

...APPELLANTS

(BY SRI. GURUPRASAD B.R., ADVOCATE)

Digitally signed by RAKSHA
Location: high court of karnataka

AND:

1. MR. SADIQ BALANJA
   ADULT,
   S/O ABDUL BYARI,
   R/AT D.NO.59, BALANJA,
   BALANJA POST & VILLAGE,
   BELTHANGADY - 574217.

2. UNITED INDIA INSURANCE COMPANY LTD.,
   BRANCH OFFICE, 2ND FLOOR,
   SANTHOM TOWERS,
   OPP. TO BUS STAND,
   BELTHANGADY.
   LOCAL OFFICE: 2ND FLOOR,
   RAMBHAVAN COMPLEX,
   KODIALBAIL, MANGALURU-575002.
   REPRESENTED BY ITS MANAGER.

…RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADVOCATE FOR R2,
NOTICE TO R1 DISPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 04.04.2024 IN MVC NO.797/2022 PASSED BY THE I ADDITIONAL DISTRICT JUDGE AND M.A.C.T.II, MANGALURU, D.K., AND ALLOW THIS APPEAL BY GRANTING THE COMPENSATION AS PRAYED FOR IN THE INTEREST OF JUSTICE.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 15.10.2026, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CAV JUDGMENT

The instant appeal is preferred by the appellants/claimants against the judgment and award dated 04.04.2024, passed by the I Addl. District Judge and MACT-II, Mangaluru, (for short 'Tribunal'), in MVC.No.797/2022.

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

3. The brief facts of the case are that:

The claimants being the wife, daughter and mother of the deceased Shareef @ Sharief, filed the claim petition before the Tribunal seeking compensation on account of death of Shareef in a road traffic accident which occurred on 18.12.2021. On the date of accident, the deceased was traveling in a car bearing registration No.KA-28-M-8497 along with others from Mysuru towards Guruvyanakere. At about 11.30 p.m., when they reached near Navilahalli village of Belur Taluk, on Beluru Mudigere

road, the driver of the car drove the car in a rash and negligent manner and dashed to a standing tree. Due to the said impact, the deceased sustained grievous injuries. Immediately he was shifted to Government Hospital, Hassan, and after the first aid, while he was being shifted to A.J.Hospital, the deceased succumbed to the injuries.

4. It is further the case of the claimants that the deceased was aged 35 years and earning Rs.1,000/- per day by working as mason. He was contributing his earnings to the family. With these grounds, they prayed to award compensation.

5. Pursuant to service of summons, respondent No.2-insurance company entered appearance and contested the matter. Respondent No.1 remained *ex parte* before the Tribunal.

6. The respondent No.2-insurer filed its written statement, denying the contentions of the petitioners. It is contended that the driver of the car was not holding a valid and effective driving license at the time of the

accident. With these reasons, prayed to dismiss the claim petition.

7. From the rival contentions of the parties, the Tribunal framed necessary issues.

8. The claimants to prove their case, examined three witnesses as PW-1 to PW-3 and got marked 19 documents as per Exs.P-1 to P-19. The respondents have not examined any witnesses.

9. The Tribunal after hearing both parties and appreciating the evidence on record, awarded Rs.26,73,100/- as compensation under the following heads:

Particulars	Amount in Rs.
Loss of dependency	25,20,000/-
Towards funeral expenses	15,000/-
Loss of estate	15,000/-
Loss of consortium	1,20,000/-
Medical expenses	3,100/-
Total	*26,73,100/-*

10. Being aggrieved by the award passed by the Tribunal, the claimants have filed the present appeal seeking enhancement of compensation.

11. Heard the arguments of the learned counsel appearing for the claimants as well as learned counsel for respondent No.2-insurer and perused the materials on record.

12. The Tribunal after assessing the materials available on record, held that the accident had taken place due to rash and negligent driving of the car by its driver causing the death of Shareef. The said finding is not challenged by respondent No.2-insurer. Hence, there is no need to reconsider the same.

13. Learned counsel appearing for the appellants/ claimants submits that, as per the postmortem report at Ex.P-5, the age of the deceased was 32 years and as per the Aadhar card produced at Ex.P-10, the age of the deceased was 35 years 7 months 25 days as on the date of the accident. Learned counsel further contended that

the Tribunal has wrongly considered the age of the deceased as 36 years and adopting the multiplier of '15', has awarded the compensation. He further contended that since the deceased had not completed the age of 36 years, the Tribunal ought to have considered the age of the deceased as 35 years and adopted the multiplier of '16'. He further contended that if the age of the deceased in the Aadhar card was not acceptable, the only option left to the Tribunal was to consider the age of the deceased as stated in the postmortem report.

He further contended that the Tribunal has neither accepted the age mentioned in the Aadhar card nor the age mentioned in the postmortem report and has wrongly assessed the age of the deceased as 36 years and thereby wrongly adopted the multiplier of '15' and awarded the compensation. In support of his contentions, he relied upon the decision of the Hon'ble Apex Court in the case of ***Shashikala and others Vs. Gangalakshmamma and another,*** *reported in* ***(2015) 9 SCC 150.***

It is further the contention of the learned counsel for the claimants that the Tribunal has grossly erred in not awarding the escalation towards funeral expenses, loss of estate and loss of consortium for every three years in view of the law laid down by the Hon'ble Apex Court in the case of ***National Insurance Co. Ltd., -vs- Pranay Sethi and others,*** *reported in* ***(2017) 16 SCC 680.*** Hence, on these grounds, he prayed to allow the appeal.

14. Per contra, learned counsel appearing for respondent No.2-insurer sought to justify the impugned judgment and award passed by the Tribunal. It is contended that the Tribunal has erred in considering the age of the deceased as 36 years by relying upon the Aadhar card at Ex.P-10. Learned counsel has relied upon the decision of the Hon'ble Apex Court in the case of ***Saroj and others Vs. IFFCO-TOKIO General Insurance Company and others,*** *reported in* ***(2024) 10 SCR 939,*** and contended that the Aadhar card can only be used for establishing the identity of an individual, subject to authentication and thereby *per se* it is not a proof of age.

He further contended that the claimants should have been directed to produce the acceptable documents for establishing the age of the deceased Shareef as on the date of the accident. Hence, on these grounds, he prayed to dismiss the appeal.

15. The accident in question is not in dispute. The liability of respondent No.2-insurer is also not in dispute. The claimants in order to prove the age of the deceased have produced the Aadhar card at Ex.P-10. The age of the deceased as per the Aadhar card was 35 years 7 months 25 days as on the date of the accident.

16. The question that requires for consideration in this appeal are,

> "*(i) Whether the age mentioned in the Aadhar card can be accepted as proof of age and if the answer to the said question is in the affirmative, whether the age of the deceased has to be considered as 35 years or 36 years?*
>
> *(ii) If the answer to the said question is in the negative, whether the age mentioned in the*

postmortem report can be considered for the purpose of adopting the multiplier?"

17. As noticed supra, in the instant case, the age of the deceased as per the Aadhar card at Ex.P-10 is 35 years 7 months 25 days. If the age of the deceased as mentioned in the Aadhar card is considered, then the question would be whether the age of the deceased has to be considered as 35 years or 36 years.

18. It is the contention of the learned counsel appearing for the respondent-insurer that Aadhar card cannot be considered as proof of age. As a result, the age mentioned in the Aadhar card cannot be adopted for the purpose of identifying the multiplier for awarding the compensation. In this context, the Hon'ble Apex Court in the case of ***Saroj and others (cited supra)*** has held that the Aadhar card serves merely as proof of identify and does not serve as proof of age. It was further held that, in determining the age, reliance placed on other documents to serve as proof of age should take primacy

over the Aadhar card. The relevant portion of the said judgment is extracted below :

> " ***9.5*** *Turning back to the question of whether Aadhar Card can serve as a proof of age, a perusal of some High Court judgments reveals that this question has been considered on quite a few occasions in the context of the JJ Act. Illustratively, in Manoj Kumar Yadav v. State of M.P. a learned Single Judge of the Madhya Pradesh High Court held that when it comes to establishing the age, on a plea of juvenility the age mentioned in the Aadhar Card could not be taken as a conclusive proof in view of Section 94 of the JJ Act. Similar observations have been made in Shahrukh Khan v. State of M.P. holding that if the genuineness of the School Leaving Certificate is not under challenge, the said document has to be given due primacy. The Punjab & Haryana High Court in the context of the Prohibition of Child Marriage Act, 2006, in Navdeep Singh v. State of Punjab held that Aadhar Cards were not "firm proof of age". Observations similar in nature were also made in Noor Nadia v. State of Punjab, Muskan v. State of Punjab as well as several other orders/judgments, in various contexts. Views aligning with the one referred to above have been taken by the High Court of Judicature of Allahabad in Parvati Kumari v. State of U.P.; the Himachal Pradesh High Court in Kumit Kumar v.*

State of H.P. and the High Court of Kerala in Sofikul Islam v. State of Kerala.

9.6 *We find that the Unique Identification Authority of India, by way of its Circular No. 08 of 2023, has stated, in reference to an Office Memorandum issued by the Ministry of Electronics and Information Technology dated 20th December 2018, that an Aadhar Card, while can be used to establish identity, it is not per se proof of date of birth. This office memorandum dated 20th December, 2018 was taken note of by a learned Division Bench of the Bombay High Court in State of Maharashtra v. Unique Identification Authority of India in its order dated 28th July, 2023….."*

Therefore, in view of the law laid down by the Hon'ble Apex Court in the case of ***Saroj and others (cited supra)***, the age mentioned in the Aadhar card cannot be relied upon for the purpose of ascertaining the age of the deceased.

19. In the case on hand, the relevant material in which the age of the deceased is forthcoming consists of two documents viz., Aadhar card at Ex.P-10 and the postmortem report at Ex.P-5. As held by the Hon'ble Apex

Court in the judgments cited supra, the age mentioned in the Aadhar card cannot be considered as a proof of age. Then, the next question would be as to whether the age mentioned in the postmortem report can be accepted as proof of age for the purpose of identifying the multiplier.

20. In ***Sunita & Ors Vs. Vinod Singh & Ors [SLP (Civil) 1114/2019],*** the Hon'ble Apex Court considered the primacy of the postmortem report in determining the age to apply the relevant multiplier. The Hon'ble Apex Court considered the postmortem report to be a scientific assessment of the age of the deceased person and that there was no inhibition in considering the age of the deceased as mentioned in the postmortem report for the purpose of applying the relevant multiplier. The relevant portion of the judgment is extracted below:-

> *" **11**. The amount arrived at by the High Court of the monthly income being Rs.5,819/- (Rupees Five Thousand Eight Hundred and Nineteen) as against the claim of Rs.10,000/- (Rupees Ten Thousand) appears to be on the lower side as the total earning of the deceased from family pension*

itself ought to have been considered which itself would come to Rs.5,137/- (Rupees Five Thousand One Hundred and Thirty-Seven) to which the notional wages as a home maker had to be added, which we find is reasonable as has been taken by the High Court at Rs.2,500/- (Rupees Two Thousand Five Hundred). Thus, the monthly income would come to Rs.7,637/- (Rupees Seven Thousand Six Hundred and Thirty-Seven), which we are inclined to round off at Rs.7,000/- (Rupees Seven Thousand). ***Coming to the multiplier factor which is dependent on the age, there is sufficient indication that the deceased was aged about 45 years as per the Post-Mortem Report which is a scientific assessment of the age of the deceased. The purported discrepancy in the age with regard to that of the claimant and the deceased is erroneous for the reason that when the claim was filed, appellant no.1 was aged about 30 years and a difference of 15 years between the daughter-in-law and the mother-in-law cannot be said to be totally devoid of reality given the contextual and prevalent societal norms in vogue at the time of marriage of the deceased which could have been at least 25 to 30 years prior to her death i.e., in or about the 1970s. Moreover, in the absence of material indicating to the contrary, there is no inhibition to accept the age of the deceased as per the Post-Mortem***

> ***Report. Thus, we are inclined to grant her the benefit of multiplier of 14 taking her age as 45 years.*** *With regard to the loss of love and affection, Pranay Sethi (supra) grants Rs.40,000/- (Rupees Forty Thousand) per head with escalation of 10% every three years for loss of consortium which has been interpreted in Magma General Insurance Co. Ltd. v Nanu Ram, (2018) 18 SCC 130 to include spousal, parental, and filial consortium. Thus, there being five claimants the amount shall be [Rs.48,000/- x 5] which comes to Rs.2,40,000/- (Rupees Two Lakhs and Forty Thousand) payable under the head of loss of love and affection."*

21. Therefore in light of the dictum laid down by the Hon'ble Apex Court in the case of ***Saroj and others (cited supra) & Sunita & Ors (cited supra),*** it is discernible that the age mentioned in the Aadhar Card of the deceased cannot be treated as proof of age and considering that there is no other document on record serving as proof of age, there is no inhibition to consider the age mentioned in the postmortem report at Ex.P-5 for the purpose of determining the age to apply the relevant and appropriate multiplier. The postmortem report at

Ex.P-5 states the age of the deceased to be 32 years, thereby warranting the multiplier of '16' as per ***Pranay Sethi's case (cited supra).***

22. Further the contention of the learned counsel for the insurer that the claimants should be directed to produce suitable documents for proof of age of the deceased, cannot be accepted. When the claimants do not come forward to produce any documents to substantiate the age of the deceased at the time of accident, the only option available to the Tribunal is to accept the age of the deceased as mentioned in postmortem report.

23. It is stated by the claimants that the deceased was doing mason work and earning Rs.1,000/- per day. To substantiate the same, they have not produced any documents. As the accident is of the year 2021, the Tribunal has correctly assessed the income of the deceased as Rs.15,000/- per month. Since the age of deceased is considered as 32 years, 40% of his income is to be added towards future prospects. Since the

dependants are three in number, one-third has to be deducted towards personal expenses. Therefore, the compensation under the head `loss of dependency' is calculated as under :

> *Rs.15,000/- + 40% = 21,000/- x 12 x 16 (Rs.40,32,000/-) less 1/3rd (Rs.13,44,000/-) = Rs.26,88,000/-.*

24. Further, it is the contention of learned counsel for the claimants that 10% escalation has not been awarded by the Tribunal towards funeral expenses, loss of estate and loss of consortium. The Hon'ble Apex Court in ***Pranay Sethi's case (cited supra)***, has categorically held that 10% escalation has to be added for every three years with respect to compensation awarded under the head 'funeral expenses, loss of estate and loss of consortium'. The relevant portion of the decision is extracted below:-

> *"**59.8**. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts*

should be enhanced at the rate of 10% in every three years."

Therefore, the escalation at the rate of 20% has to be added towards the same. Therefore, if 20% escalation is added, the compensation under the head `funeral expenses' would come to Rs.18,000/- and the compensation under the head 'loss of estate' would come to Rs.18,000/- and the compensation under the head `loss of consortium' would come to Rs.1,44,000/-.

25. Accordingly, the following compensation is awarded:

Particulars	Amount in Rs.
Loss of dependency	26,88,000/-
Funeral expenses	18,000/-
Loss of estate	18,000/-
Loss of consortium	1,44,000/-
Total	*28,68,000/-*
Amount awarded by the Tribunal *Enhancement-* ***Rounded off-***	*26,73,100/-* *1,94,900/-* *1,95,000/-*

26. Thus, the claimants are entitled for an enhanced compensation of Rs.1,95,000/- with interest at 6% p.a. on the enhanced amount from the date of petition till its realization.

27. Accordingly, I proceed to pass the following:

ORDER

i) The Appeal is ***allowed in-part***.

ii) The judgment and award dated 04.04.2024, passed in MVC.No.797/2022, by the I Addl. District Judge and MACT-II, Mangaluru, stands modified.

iii) The claimants are entitled to an enhanced compensation of Rs.1,95,000/- with interest at the rate of 6% p.a. on the enhanced amount, from the date of petition till its realization, excluding the delayed period of 388 days.

iv) The respondent No.2-insurer shall deposit the amount within a period of six weeks from this day.

v) The apportionment, deposit and release etc., are as per the award passed by the Tribunal.

vi) Draw award accordingly.

Registry is directed to send back the records along with a copy of this judgment to the concerned Tribunal.

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

bk/