



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 444 OF 2022 (MV-I)

BETWEEN:

SRI. RAJENDRA LAMANI,
AGED ABOUT 37 YEARS
S/O YAMUNAPPA LAMANI,
R/AT NO.17, 2ND CROSS,
1ST MAIN ROAD,
VENKATALA YELAHANKA,
BENGALURU NORTH,
BENGALURU-560 064.

...APPELLANT

(BY SRI. NAGARAJA REDDY D., ADVOCATE)

AND:

1. SRI. ISMAIL KHADAR,
MAJOR,
R/AT NO.18-11-31,
AZAD NAGAR
HINDUPUR,
ANANTAPUR DISTRICT,
ANDHRA PRADEH -515 201.
2. NATIONAL INSURANCE CO.LTD.,
REGIONAL OFFICE, TP HUB,
NO.144 SUBHARAM COMPLEX,
MG ROAD, BENGALURU -560 001.
REP. BY ITS MANAGER

...RESPONDENTS

(BY SRI. RAVISH BENNI, ADVOCATE FOR R2,
VIDE ORDER DATED 17/11/2023,
NOTICE TO R1 IS DISPENSED WITH)



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 11.10.2021 PASSED IN MVC NO.1691/2019, ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU, SCCH-7, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimant challenging the judgment and award dated 11th October 2021, passed by the IX Addl.Small Causes Judge and M.A.C.T.-VII, Bengaluru (SCCH-7), (for short `Tribunal'), in MVC No.1691/2019, seeking enhancement of the compensation.

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

3. The brief facts of the case are that, on 09.02.2019, at about 12.30 p.m., claimant met with an accident at Pothenhalli village, Thondebavi Hobli of



Gowribidanur Taluk, by the involvement of Eicher lorry bearing registration No.AP-02-TA-5612. As a result, claimant sustained grievous injuries and has spent substantial amount towards medical expenses. Due to the injuries sustained in the accident, he has suffered permanent disability. With these reasons, the claimant prayed for awarding of compensation.

4. The respondent No.1 was the owner and respondent No.2 was the insurer of the offending lorry. Respondent No.1 remained *ex parte* before the Tribunal. Respondent No.2 - insurer filed its written statement denying the contentions of the claim petitioner and also denied its liability to pay the compensation. With these reasons, it prayed to dismiss the claim petition.

5. From the rival contentions of the parties, the Tribunal framed necessary issues, recorded the evidence of the parties to the proceedings, heard the arguments and after appreciation of the materials on record, held that



accident occurred due to the negligence of driver of offending Eicher lorry and awarded the following amount of compensation:

Particulars	Amount in Rs.
Loss of future income	1,80,000/-
Pain and suffering	20,000/-
Loss of income during the period of treatment and rest and attendant charges	20,000/-
Loss of amenities	20,000/-
Towards hospital and medicine charges	2,25,469/-
<i>Total</i>	<i>4,65,469/-</i>

Being aggrieved by the said award passed by the Tribunal, the claimant has filed the present appeal for enhancement of compensation.

6. Heard the arguments of the learned counsel appearing for the claimant, as well as the insurer.

7. Learned counsel for the appellant/claimant contended that the income taken by the Tribunal is on the lower side and the amount of compensation awarded under all the other heads are on the lower side; The



Tribunal has not even considered the permanent disability suffered by the claimant properly and therefore, prayed for enhancement of the compensation.

8. Learned counsel for respondent No.2-insurer submitted that the Tribunal has properly considered the case of the claimant and has awarded a just and reasonable compensation, which does not call for any interference by this Court and prayed for dismissal of the appeal.

9. The fact of the accident and the claimant suffered injuries in the accident are not in dispute. Hence, there is no need to reconsider the same.

10. During the course of arguments, it is submitted by learned counsel for the claimant that, claimant has produced two sets of medical bills and the Tribunal has awarded the amount in respect of one set of medical bill i.e., Rs.2,25,469/- and there is another set of medical bill, totally amounting to Rs.95,958/-. This amount has not



been added by the Tribunal while awarding the compensation under the head 'medical expenses'. He further points out that the Tribunal has also not added another set of medical bills, which were marked at Ex.P-17. The table of calculation has been produced and out of the medical bills, only Rs.2,25,469/- was awarded by the Tribunal and remaining four sets of medical bills, which is amounting to Rs.95,958/- was not added in the medical bills. He further submits that, in Ex.P-17, the total medical bill is Rs.1,00,949.92 ps. and thereafter, there are three more bills, totally amounting to Rs.880/- and they were also not considered by the Tribunal.

11. The learned counsel for the respondent-insurer submits that the said bills were not added in the medical expenses and there is no discussion regarding the same and he has no objection for awarding of the amount mentioned in the said medical bills. On verification of the records, they reveal that the said amount has to be added



in the medical expenses which is already awarded by the Tribunal.

12. The claimant has contended that he was the owner-cum-driver of Tata ACE vehicle and earning Rs.30,000/- per month. The Tribunal by the impugned judgment observed that no materials were placed on record and hence, notional income of the claimant was assessed at Rs.10,000/- per month. The accident had occurred during the year 2019. Comparing to chart of notional income, it is on lower side. Therefore, following the notional income chart prepared by the Karnataka State Legal Services Authority, notional income of the claimant is taken as Rs.14,000/- per month.

13. PW.2-Doctor has stated that the claimant has suffered permanent disability to an extent of 45% to the right lower limb and 15% to the whole body. The Tribunal has assessed the functional disability at 10% to the whole body, which does not call for any interference.



Undisputedly, the age of the claimant was 36 years at the time of the accident and multiplier applicable is `15'.

14. On reconsidering the materials available on record, the claimant is entitled to following amount of compensation :

Particulars	Amount in Rs.
Pain and suffering	50,000/-
Medical expenses	4,23,256/-
Attendant expenses, special diet and conveyance charges	50,000/-
Loss of future income during laid up period (Rs.14,000/- x 5)	70,000/-
Loss of future income due to permanent disability (Rs.14,000/- x 12 x 15 x 10%)	2,52,000/-
Loss of amenities	50,000/-
Future medical expenses	40,000/-
<i>Total</i>	<i>9,35,256/-</i>
<i>Amount awarded by the Tribunal</i>	<i>4,65,469/-</i>
<i>Enhancement-</i>	<i>4,69,787/-</i>
<i>Rounded off -</i>	<i>4,70,000/-</i>



The claimant is also entitled to interest at the rate of 6% p.a. from the date of petition till the date of realisation, on the enhanced amount of compensation.

15. Respondent Nos.1 and 2 are jointly and severally liable to pay the said amount of compensation.

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

ORDER

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

ii) The judgment and award dated 11th October 2021, passed by the IX Addl.Small Causes Judge and M.A.C.T.-VII, Bengaluru (SCCH-7), in MVC No.1691/2019, stands modified;

iii) The claimant is entitled to enhanced compensation of Rs.4,70,000/-, with interest at the rate of 6% p.a., from the date of petition till its realization, excluding the future medical expenses of Rs.40,000/- which does not carry interest.



iv) The respondent No.2 - Insurance Company shall deposit the amount within a period of six weeks from the date of award.

v) The remaining portion of the award of the Tribunal shall remain unaltered.

vi) Draw award accordingly.

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

Sd/-
(UMESH M ADIGA)
JUDGE

bk/
List No.: 1 Sl No.: 30