



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 1389 OF 2022 (MV-I)

BETWEEN:

SRI. P. RAMANATHAPPA
S/O LATE. NARAYANAPPA
AGED ABOUT 66 YEARS
R/O 12-196,
KADARAMPALLI KUNDURPI,
ANANTHAPUR DISTRICT,
ANDHRA PRADESH - 515 766.

...APPELLANT

(BY SRI. K.T. GURUDEVA PRASAD, ADVOCATE)

AND:

1. M/S NATIONAL INSURANCE CO.LTD.,
MOTOR CLAIMS HUB,
NO.144, SUBHARAM COMPLEX,
M.G ROAD,
BENGALURU - 560 001.

2. MR. RAGHU J.M,
S/O MAHADEVE GOWDA J.S,
NO.12, 5TH CROSS,
LAKSHMI LAYOUT,
MUNNEKOLALA
MARATHAHALLI POST,
BENGALURU - 560 037.

...RESPONDENTS

(BY SRI. AKSHAY P.V, ADVOCATE FOR
SRI. A. RAVISHANKAR, ADVOCATE FOR R1,
VIDE ORDER DATED 11.03.2022, NOTICE TO R2 IS
DISPENSED WITH)



THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.06.01.2020 PASSED IN MVC NO.1869/2019 ON THE FILE OF THE V ADDITIONAL SMALL CAUSES JUDGE AND XXIV ACMM, MEMBER, MACT, BENGALURU, (SCCH-20), ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL 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 6th January 2020, passed by the V Addl.Small Causes Judge and M.A.C.T., Bengaluru (SCCH-20), (for short `Tribunal'), in MVC No.1869/2019, 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 16.03.2019, at about 7.30 p.m., the claimant met with an accident near Govt.High School Main Gate, Munekolalu, Marathahalli, Bengaluru, due to rash and negligent riding



of the motorcycle bearing registration No.KA-53-ED-4398. As a result, claimant sustained fracture of right femur. He took treatment as an inpatient in the hospital for seven days. He underwent surgery and has spent substantial amount towards medical expenses. Due to the injuries sustained in the accident, he has suffered permanent disability of 18% to the whole body. He was aged about 63 years at the time of the accident and was earning Rs.15,000/- per month by doing the agricultural work. With these reasons, the claimant has prayed for awarding of compensation.

4. Before the Tribunal, the respondents have filed their written statement. The respondent No.1 - insurer in its written statement denied 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 rider of the motorcycle and awarded the following amount of compensation:

Particulars	Amount in Rs.
Pain and suffering	75,000/-
Loss of income during laid of period	18,000/-
Loss of amenities	50,000/-
Future medical surgery	40,000/-
Conveyance	10,000/-
Nourishment and attendant charges	10,000/-
<i>Total</i>	<i>3,82,309/-</i>
<i>Rounded off -</i>	<i>3,83,000/-</i>

Being aggrieved by the said award passed by the Tribunal, the claimant has filed the present appeal seeking 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; Though claimant has examined PW-3 - doctor, to prove the disability, but the Tribunal has not at all awarded any amount of compensation towards loss of earning capacity due to permanent disability; The compensation awarded under other heads are also on the lower side and therefore, prayed for enhancement of the compensation.

8. Learned counsel for respondent No.1-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 had sustained injuries in the accident are not in dispute. Hence, there is no need to reconsider the same.

10. On going through the materials on record and on re-appreciation of the evidence, the compensation awarded under some of the heads appears to be on the lower side. The claimant has contended that he was earning Rs.15,000/- per month by doing agricultural work, however, he was unable to prove the same. Therefore, the Tribunal has assessed the notional income of the claimant as Rs.9,000/- per month. The accident occurred during the year 2019. Therefore, following the notional income chart prepared by the Karnataka State Legal Services Authority, the income of the claimant is taken as Rs.14,000/- per month.

11. Looking at the nature of the injuries suffered by the claimant, the nature of his work, and his age, it is evident that for a period of at least three to four months,



he could not have been in a position to attend to his work and would have lost his earnings. This loss has not been properly compensated by the Tribunal. The amount of compensation awarded towards special diet, attendant charges and conveyance is on the lower side, which requires enhancement.

12. The Tribunal has not awarded any amount of compensation towards loss of future earning capacity due to permanent disability for the reasons stated in para-11 of the impugned judgment. The said finding is erroneous. Claimant has examined PW-3 - doctor, who has stated in detail about the restrictions of the movement, as well as deformity and he has assessed the disability suffered by the claimant as 54% to the right lower limb and 18% to the whole body. There are no materials on record to disbelieve the evidence of PW-3. Therefore, considering the evidence of PW-3, the disability of the claimant is taken as 15% to the whole body. The age of the claimant



was 63 years at the time of the accident, therefore, the multiplier applicable in this case is '7'.

13. On the basis of the above discussion, the amount of compensation under some of the heads is recalculated and following amount of compensation is awarded :

Particulars	Amount in Rs.
Pain and suffering	75,000/-
Medical expenses	1,79,309/-
Attendant expenses, special diet and conveyance charges	75,000/-
Loss of income during laid up period (Rs.14,000/- x 4)	56,000/-
Loss of income due to permanent disability (Rs.14,000/- x 12 x 7 x 15%)	1,76,400/-
Loss of amenities	50,000/-
Future medical expenses	40,000/-
<i>Total</i>	<i>6,51,709/-</i>
<i>Amount awarded by the Tribunal</i>	<i>3,82,309/-</i>
<i>Enhancement-</i>	<i>2,69,400/-</i>
<i>Rounded off -</i>	<i>2,70,000/-</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.

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

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

ORDER

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

ii) The judgment and award dated 6th January 2020, passed by the V Addl.Small Causes Judge and M.A.C.T., Bengaluru (SCCH-20), in MVC No.1869/2019, stands modified;

iii) The claimant is entitled to enhanced compensation of Rs.2,70,000/-, 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.1 - 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.: 37