



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 1397 OF 2022 (MV-I)

BETWEEN:

MR. M. SANTHOSH,
S/O MADHU,
AGED ABOUT 23 YEARS,
335, 1ST CROSS, AMBEDKARNAGAR,
RAMAMURTHYNAGAR,
DOORVANINAGAR,
BENGALURU - 560 016.

...APPELLANT

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

AND:

1. M/S UNITED INDIA INSURANCE CO. LTD.,
MOTOR CLAIMS HUB,
NO.18, 6TH FLOOR,
NEAR KRUSHI BHAVANA,
HUDSON CIRCLE,
BENGALURU - 560 001.

2. M/S. KTS CAR RENTAL,
NO.428, 9TH BLOCK,
SRI M VISHVESHWARAIHA LAYOUT,
KENGUNTE NAGARABHAVI,
MALATHAHALLI, BENGALURU - 560 056.

...RESPONDENTS

(BY SRI. AKSHAY P V., ADVOCATE FOR
SRI. A RAVISHANKAR., ADVOCATE FOR R1;
V/O DATED 11.03.2022 NOTICE TO R2 IS D/W)



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 10.06.2020 PASSED IN MVC NO.5007/2019 ON THE FILE OF THE XVII ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU (SCCH-21), PARTLY 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 being aggrieved by the judgment and award dated 10th June 2020, passed by the XVII Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-21), (for short `Tribunal'), in MVC No.5007/2019, seeking enhancement of 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 24.07.2019 at about 07.45 p.m., near BSNL office, ITI Colony Main Road, Bengaluru, the claimant met with an accident due to rash and negligent driving of a car bearing registration No.KA-51-AD-0312. As a result, the claimant sustained grievous injuries and



has suffered permanent disability. With these reasons, prayed to award the compensation.

4. The fact of the accident, nature of injuries sustained by the claimant, age of the claimant as 20 years, the applicable multiplier is '18' and disability of the claimant is 14% to the whole body are not seriously in dispute.

5. The contention of the claimant is that, according to the claimant, he was earning Rs.1,000/- per day and Rs.30,000/- per month. But the Tribunal has taken income as Rs.11,000/- per month, which is on the lower side. Even if the income of the claimant is considered as per the notional income chart prepared by the Karnataka State Legal Services Authority, it would be Rs.14,000/- per month. Therefore, prayed to reassess the income of the claimant and award compensation under relevant head. It is further stated that the amount of compensation awarded under the heads of pain and suffering, loss of income during laid up period, conveyance charges and attendant charges etc., are on the lower side. Therefore, prayed to recalculate the same.



6. Learned counsel for respondent No.1-insurer seriously opposes to the said contention and submits that the Tribunal has considered all the materials available on record and has awarded a just compensation. The same does not call for any interference. Therefore, prayed to dismiss the appeal.

7. The nature of injuries sustained by the claimant is narrated by the Tribunal in the impugned judgment. The Tribunal has also considered income of the claimant and assessed it as Rs.11,000/- per month. It is true that the claimant was unable to prove that he was earning Rs.1,000/- per day. Compared to the national income chart prepared by the KSLSA, the said assessment of the income is on the lower side. Following the said table, income of the claimant is taken as Rs.14,000/- per month. According to PW.2, the claimant has sustained disability to the upper limb at 42%. The Tribunal considered it 1/3rd and assessed the disability to the whole body as 14%. Considering undisputed facts mentioned above, the claimant is entitled to the following amount of compensation:



Particulars	Amount in Rs.
Pain and sufferings	40,000/-
Medical expenses	56,945/-
Loss of income during laid up period (Rs.14,000/- x 3)	42,000/-
Loss of future earning capacity due to disability (Rs.14,000/- x 12 x 18 x 14%)	4,23,360/-
Special diet, conveyance charges and attendant charges	25,000/-
Loss of amenities	50,000/-
<i>Total</i>	<i>6,37,305/-</i>
<i>Amount awarded by the Tribunal</i>	<i>5,17,585/-</i>
<i>Enhancement-</i>	<i>1,19,720/-</i>
<i>Rounded off-</i>	<i>1,20,000/-</i>

8. The claimant is entitled to interest on the enhanced amount at the rate of 6% per annum from the date of petition till its realization. Undisputedly, the respondents are liable to pay the same.

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



ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 10th June 2020, passed in MVC.No.5007/2019, by the XVII Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-21), stands modified;
- iii) The claimant is entitled to enhanced compensation of Rs.1,20,000/-, with interest at the rate of 6% p.a. from the date of petition till its realization.
- 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 is not disturbed.
- 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**