



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. 6395 OF 2021 (MV-I)

BETWEEN:

1. MR. T N YASHAVANTH
S/O NAGARAJ AGE 22 YEARS
R/O 4TH CROSS, HALAPPA BADAVANE,
BERURU TOWN, KADUR TOWN,
CHIKKAMAGALURU DIST-577548

...APPELLANT

(BY SMT B.N.MANJULA FOR SRI. NAGARAJA R C., ADVOCATE)

AND:

1. MR. KARTHIK RAO.B.N
S/O NARAYANA RAO,
AGE 47 YEARS
R/O VEERABHADRESHWARA NAGARA,
BIRUR TOWN, KADUR TALUK,
CHIKKAMAGALURU DIST-577548
2. MR. N. SURESH
S/O NAGARAJA RAO,
AGE 49 YEARS
R/O VEERABHADRESHWARA NAGARA,
BIRUR TOWN, KADUR TALUK,
CHIKKAMAGALURU DIST-577548



3. THE UNITED INDIA INSURANCE CO LTD
MICRO OFFICE BRM COMPLEX,
OPP. TO KSRTC BUS STAND,
BIRURU TOWN, KADUR TALUK,
CHIKKAMAGALURU DIST-577548
REP BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI.A.N KRISHNASWAMY, ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.07.2020 PASSED IN MVC NO.21/2018 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, KADUR, CHIKKAMAGALUR DISTRICT, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, 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 08.07.2020 passed by the Senior Civil Judge and MACT, at Kadur, Chikkamagalur District (for short `Tribunal'), in MVC.No.21/2018, 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 26.12.2016, appellant/claimant met with an accident due to rash and negligent riding of the motorcycle bearing registration number KA.18/Y-9416. As a consequence, he sustained fracture of right femur and other injuries. He underwent surgery. He took treatment as inpatient for 40 days. He took follow-up treatment in the hospitals at Mangalore as well as Chitradurga. He has suffered permanent disability. With these reasons, claimant prays to award compensation.

4. Respondent No.1 was the rider, respondent No.2 was the owner, respondent No.3 was the Insurer of the offending motorcycle. Respondent No.1 and respondent No.2 remained *exparte* before the Tribunal. Respondent no.3 filed written statement denying petition averments and denied the liability to pay the compensation and prays to dismiss the claim petition.



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

6. The claimant to prove his case, examined himself as PW.1 and marked Exs.P-1 to P-162. Respondents have not lead any oral or documentary evidence.

7. The Tribunal after hearing both parties and appreciating the evidence on record, by the impugned judgment, held that the accident occurred due to rash and negligent riding of the offending motorcycle by its rider. The Tribunal has taken income of the claimant as Rs.9,966/- per month and assessed the disability at 13% and applied multiplier as 18 and awarded following amount of compensation:

Particulars	Amount in Rs.
Medical Expenses	63,779/-
Future Medical expenses	40,000/-
Future loss of income	2,79,845/-
Loss of income during laid up period	14,616/-
Conveyance charges	20,000/-



Pain and suffering	50,000/-
Food Nourishment and attendant charges	20,000/-
Total	4,88,240/-

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

9. Heard the arguments of the learned counsel appearing for the appellant/claimant as well as learned counsel appearing for respondent No.3. Learned counsel for appellant contends that the Tribunal has not awarded just compensation on all the heads. The Tribunal ought to have taken the disability at least 20 to 25% on the basis of evidence of PW.1 and CW.1. No amount of compensation is awarded under the head loss of amenities. The claimant has submitted taxi charges as per Ex.P.145 to Ex.P.156 total amounting to Rs.39,000/- but the Tribunal has awarded only Rs.20,000/- towards



conveyance charges. Therefore, prays to enhance the amount of compensation.

10. Learned counsel appearing for the Insurer contends that the Tribunal has awarded just and reasonable amount of compensation. The documents placed on record were considered by the Tribunal. Therefore, there is no need to reconsider the same and recalculate the amount of compensation. With these reasons, prays to dismiss the appeal.

11. Though the learned counsel for appellant contends that the claimant had sustained fracture of tibia, but the records as well as evidence of CW.1 do not support it. Considering the evidence of CW.1, continuous treatment was given and there was shortening of the leg. Therefore, the doctor removed bone from the waist and grafted to the fractured area. There were a lot of complications while providing the treatment. These facts were stated in detail by CW.1. Records reveals that he



had taken treatment in Mangalore as well as in Chitradurga. Therefore, claimant must have spent amount towards taxi charges to go to the said places to take treatment and follow-up treatment.

12. Difficulties were stated by PW.1 in his evidence and it is corroborated by CW1. The said facts reveal that the claimant had sustained loss of amenities. Looking into the materials available on record, the amount of compensation awarded under some of the heads are on the lower side and no amount of compensation is awarded towards loss of amenities. In the impugned judgment, the Tribunal has noted that claimant has taken treatment as inpatient for 44 days, but amount of compensation awarded towards laid up period is very less.

13. On re-appreciating the materials available on record, claimant is entitled to following amount of compensation :



Particulars	Amount in Rs.
Pain and suffering	60,000/-
Medical expenses	63,779/-
Loss of income during the laid up period (Rs.10,000x4)	40,000/-
Attendant expenses, special diet and conveyance charges	75,000/-
Loss of income during laid up period (As calculated by the Tribunal)	2,79,845/-
Future medical expenses	50,000/-
Loss of amenities	50,000/-
<i>Total</i>	<i>6,18,624/-</i>
<i>Amount awarded by the Tribunal</i>	<i>Rs.4,88,240/-</i>
<i>Enhancement-</i>	<i>Rs.1,30,384/-</i>
<i>Rounded off -</i>	<i>Rs.1,31,000/-</i>

14. The claimant is also entitled to interest at the rate of 6% p.a. from the date of petition till the date of realisation.

15. Respondent No.3 is 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 impugned judgment and award dated 08.07.2020 passed by the Senior Civil Judge and MACT, at Kadur, Chikkamagalur District in MVC.No.21/2018, stands ***modified.***
- iii) The claimant is entitled to enhanced compensation of Rs.1,31,000/- with interest at the rate of 6% p.a., from the date of petition till its realization, excluding the amount of enhanced compensation under the head of further medical expenses Rs.10,000/-.
- iv) The respondent No.3-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) Amount enhanced is marginal, therefore, entire enhanced amount is ordered to be released in favour of the claimant on due identification.



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

RJ
List No.: 1 Sl No.: 23