



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 7040 OF 2019(MV-I)
BETWEEN:

JAYARANGAPPA
47 YEARS,
S/O LATE DASAPPA,
R/O RATHNASANDRA
AT POST-572137
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT. ..APPELLANT

(BY SRI. HARISH N.R., ADVOCATE FOR
SRI. PATEL D KAREGOWDA, ADVOCATE)

AND:

1. P SHIVAPRASADA REDDY
52 YEARS,
S/O RAMREDDY,
R/O SADGURU KRUPA,
I MAIN, ADARSHANAGARA,
TUMAKURU-572101
2. IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD
MBAV MANSION, I FLOOR,
III CROSS, ABOVE UCO BANK,



M G ROAD, TUMAKURU-572101
BY ITS MANAGER.

.. RESPONDENTS

(BY SRI. B.S.NATARAJA., ADVOCATE FOR R1;
SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17.01.2019 PASSED IN MVC NO.260/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, SIRA, 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 D K SINGH
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal is filed against the judgment award dated 17.01.2019 passed by the Court of Senior Civil Judge and MACT, at Sira in MVC No.260/2017.

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

3. Brief facts of the case are that, the claimant has suffered injuries in the motor vehicle accident on 30.10.2016.



He was walking along with one Vijay Kumar, on the left side of the road for their village. When they reached near Jaganathappa's house on Yaragunte-Rathnasandra road, Kasaba Hobli, Sira Taluk, the driver of a Mahindra Bolero vehicle bearing Registration No.KA.06.M.5630, driving the vehicle in a rash and negligent manner hit the claimant and Vijay Kumar resulting in grievous injuries to the pedestrians.

4. The claimant filed the claim petition seeking compensation of Rs.10 Lakhs with interest @ of 12%. However, the Tribunal had awarded total compensation of Rs.3,38,200/- on the following heads:

Loss of future income	1,87,200-00
Pain and Sufferings	30,000-00
Loss of income during treatment	16,000-00
Medical, conveyance, Nutrition and Attendant charges	65,000-00
Loss of future happiness and amenities	20,000-00
Future Medical expenses	20,000-00
Total	3,38,200-00



5. Learned counsel for the appellant submits that the Tribunal has committed an error in awarding meagre compensation. The Tribunal has considered the notional income of the appellant at Rs.8,000/- per month which is on lower side, but as per the circular issued by the Karnataka Legal Service Authority, the notional income for the accident of the year 2017 is Rs.9,500/- per month.

6. He further submitted that the Tribunal has awarded less compensation towards pain and sufferings, loss of income during laid up period, loss of future happiness and amenities and future medical expenses. Therefore, he sought for enhancement of the compensation.

7. On the other hand, Sri S.V.Hegde Mulkhand, learned counsel appearing for the Insurance Company has disputed the assertions made by the learned counsel for the appellant, and supports the impugned judgment and award of the Tribunal. He would submit that considering the oral and documentary evidence on record, the Tribunal awarded just and fair compensation, which does not call for an interference



at the hands of this Court. Thus, he prayed for dismissal of the appeal.

8. We have considered the submission of learned counsel for the parties and perused the evidence placed on record.

9. The claimant having sustained injuries in a road traffic accident is not disputed. The accident occurred in the year 2017 and the claimant was aged 46 years at the time of the accident. In the absence of proof of income, the notional income is assessed at Rs.9,500/- per month, according to the chart prepared by the Karnataka Legal Services Authority, as opposed to Rs.8,000/- per month assessed by the Tribunal. The Tribunal has rightly assessed the disability at 13%. The loss of future earning capacity due to disability suffered in the accident would come to $\text{Rs.9,500} \times 12 \times 15 \times 13\% = \text{Rs.2,22,300/-}$.

10. Considering grievous injury and fracture suffered and deformity of restricted movement of the claimant, a sum of **Rs.50,000/-** is awarded towards 'Pain & Suffering' as against Rs.30,000/- awarded by the Tribunal.



11. The nature of injuries suggest that he must have been under rest and treatment for a period of 3 months and therefore a sum of **Rs.28,500/-** is awarded towards loss of income during laid up period' as opposed to Rs.16,000/- awarded by the Tribunal.

12. Considering the nature of injury sustained by the claimant, disability stated by the doctor and an amount of discomfort and unhappiness the claimant has to undergo in his future life, a sum of **Rs.40,000/-** is awarded as opposed to Rs.20,000/- awarded by the Tribunal towards loss of amenities.

13. Compensation awarded by the Tribunal at Rs.65,000/- towards incidental expenses such as conveyance, nourishment and attendant charges and medical expenses, actual and does not call for an interference.

14. Further, the Tribunal has awarded a compensation of Rs.20,000/- under the head "future medical expenses" which is on lower side, and same is enhanced to **Rs.30,000/-**



15. The compensation awarded by the Tribunal is re-assessed as follows:

Loss of future income (9,500 X 12 X 15 X13%)	:	Rs.	2,22,300/-
Pain and Suffering	:	Rs.	50,000/-
Loss of income during laid up period 9,500 X3 months	:	Rs.	28,500/-
Medical Food and nourishment, conveyance And attendant charges)	:	Rs.	65,000/-
Loss of future happiness and Amenities	:	Rs.	40,000/-
Future medical expenses	:	Rs.	30,000/-
TOTAL	:	Rs.	4,35,800/-

16. Therefore, the appellant is awarded a total compensation of **Rs.4,35,800/-** as opposed to the compensation awarded by the Tribunal at Rs.**3,38,200/-**. The appellant is entitled for an enhanced compensation of **Rs.97,600/-**, along with interest at 6% per annum from the date of filing of the petition till its actual realization.

17. Accordingly, we pass the following:

ORDER

i. The appeal is **allowed in part**.



- ii. The judgment and award dated 17.01.2019 in MVC No.260/2017 passed by the Senior Civil Judge and Addl. MACT, Sira is modified to the extent stated hereinabove.
- ii. The appellant – claimant is entitled for total compensation of **Rs.4,35,800/-**, along with interest at 6% per annum as against Rs. **3,38,200/-**. from the date of filing of the petition till deposit.
- iii. The enhanced compensation amount with accrued interest is to be released in favour of the claimant by the respondent - Insurance Company within a period of eight weeks from the date of receipt of the certified copy of this order.

Draw the award accordingly.

Digitally signed by
DINESH KUMAR SINGH
Location: HIGH COURT
OF KARNATAKA

(D K SINGH)
JUDGE

Digitally signed by TARA VITASTA
GANJU
Location: HIGH COURT OF
KARNATAKA

(TARA VITASTA GANJU)
JUDGE

HR

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