



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 7049 OF 2023 (MV-I)

BETWEEN:

SRI. MAQSUD PASHA
S/O IMTHIYAZ PASHA
AGED ABOUT 29 YEARS,
R/AT BANADI VILLAGE
SOLURU HOBLI, MAGADI TALUK
RAMANAGARA DISTRICT - 576 221.

...APPELLANT

(BY SRI. M.V. MAHESWARAPPA, ADVOCATE)

AND:

1. THE MANAGING DIRECTOR
VRL PVT. LTD., VRO LOGISTICS LTD.,
REGISTERED AND ADMINISTRATIVE OFFICE,
BENGALURU ROAD,
VARUR, HUBLI, DHARWAD DIST - 586 221.

2. THE BRANCH MANAGER
M/S NEW INDIA ASSURANCE CO. LTD.,
NO.9/2, 2ND FLOOR,
MAHALAKSHMI CHAMBERS,
HUB, MOTOR HP CLAIMS
M.G. ROAD, BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R2;
VIDE ORDER DATED 10.07.2024 NOTICE TO R1 IS
DISPENSED WITH)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.11.2022 PASSED IN MVC NO.5541/2019 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE AND MACT, BENGALURU, SCCH-11 PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FURTHER 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 being aggrieved by the judgment and award dated 03rd November 2022, passed by the I Additional Small Causes Judge and MACT, Bengaluru, SCCH-11 (for short 'Tribunal'), in MVC No.5541/2019, seeking enhancement of compensation.

Though this appeal is listed for hearing of interlocutory application, with the consent of learned counsel for the both sides it is taken up for final disposal.

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

3. The fact of the accident and injuries sustained by the claimant are not in serious dispute. Therefore, the



mentioning of the facts of the case in detail is not required. According to the claimant, he sustained grievous injuries in an accident dated 08.09.2018 at about 10.30 a.m., which occurred near Kanakenahalli, by involvement of the vehicle bearing registration No.KA-25-A-6010.

4. Learned counsel for the appellant contends that the doctor has given a disability certificate assessing 38% disability to the right lower limb and 19% to the whole body. However, the Tribunal has taken 10% disability to the whole body, which is disproportionate to the known principle of law. He further states that the amount of compensation awarded under the other heads are also on the lower side. Therefore, prayed for enhancement of the same.

5. Learned counsel for respondent No.2 submits that the compensation awarded by the Tribunal is just and reasonable. PW.2 is not a treated doctor and therefore, the Tribunal has properly considered the case and calculated the disability. It does not call for any



interference by this Court. Therefore, prayed to dismiss the appeal.

6. From the rival contentions of the parties, the Tribunal framed necessary issues, for its determination.

7. The claimant to prove his case examined two witnesses as PW-1 and PW-2 and marked 13 documents, as per Exs.P-1 to P-13. Respondents examined two witnesses as RW-1 and RW-2 and marked documents as Exs.R-1 to R-4.

8. On considering the materials available on record, it appears that the amount of compensation calculated by the Tribunal is on the lower side, which needs reconsideration.

9. The claimant sustained fractures of right femur as well as right tibia. He underwent surgery and took treatment as an inpatient for 12 days. According to evidence of PW.2, though he is not a treated doctor, the



claimant has suffered disability to an extent of 38% to the right lower limb and 19% to the whole body. The evidence of PW.1 and PW.2 also indicates the difficulties faced by the claimant due to the injuries. The claimant contended that he was aged about 25 years. However, the Tribunal on the basis of material available on record, taken his age as 30 years, which is not seriously disputed before this Court. The claimant is said to be working in a puncher shop and earning Rs.2,000/- per day. However, the Tribunal has taken income as Rs.12,500/- per month, since the claimant did not produce any evidence to prove it. Considering the materials available on record and evidence of PW.2, even if we considered the disability to the particular limb comparing to the whole body shall be 13%. Looking to the age and nature of his work, he might not be in a position to attend to his work at least for a period of three to four months and lost his earnings. The amount of compensation awarded under some of the heads are on the lower side, which needs enhancement.



Accordingly, the claimant is entitled to the following amount of compensation:

Particulars	Amount in Rs.
Pain and sufferings	80,000/-
Medical expenses	13,651/-
Special diet, conveyance and attendant charges	25,000/-
Loss of income during laid up period (Rs.12,500/- x 4)	50,000/-
Loss of future earning capacity due to disability (Rs.12,500/- x 12 x 17x 13%)	3,31,500
Loss of future amenities	40,000/-
Future medical expenses	20,000/-
<i>Total</i>	<i>5,60,151/-</i>
<i>Amount awarded by the Tribunal</i>	<i>3,83,451/-</i>
<i>Enhancement-</i>	<i>1,76,700/-</i>
<i>Rounded off-</i>	<i>1,77,000/-</i>

10. The claimant is entitled to interest on the enhanced amount of compensation at the rate of 6% per



annum from the date of claim petition till its realisation, excluding delayed period of 234 days in filing the appeal.

11 Undisputedly, respondents are liable to pay the said amount.

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

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 03rd November 2022, passed in MVC.No.5541/2019, by the I Additional Small Causes Judge and MACT, Bengaluru, SCCH-11, stands modified;
- iii) The claimant is entitled to enhanced compensation of Rs.1,77,000/-, with interest at the rate of 6% p.a. from the date of petition till its realization, excluding delayed period of 234 days in filing the appeal.
- 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 is not disturbed.

vi) Draw award accordingly.

Registry is directed to send copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

AMA
List No.: 1 Sl No.: 18