



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 743 OF 2018 (MV-I)

BETWEEN:

B.S. TEJAS GOWDA
S/O. SRI. B.P. SIDDARAJU,
AGED ABOUT 13 YEARS
REPRESENTED BY HIS
NEXT FRIEND GUARDIAN FATHER,
SRI. B.P. SIDDARAJU,
S/O. LATE. B.D. PAPAIAH,
R/O. HERO SHOW ROOM,
1ST FLOOR, T.B. CIRCLE,
NEAR SANJAY TALKIES,
MADDUR TOWN,
MANDYA DISTRICT - 571 401.

Digitally signed by
AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

...APPELLANT

(BY SRI. VINAY D. HOSMATH, ADVOCATE)

AND:

1. THE HEAD MASTER
CONCORDE INTERNATIONAL SCHOOL,
NO. 1183, GOVERNMENT HOSPITAL ROAD,



NC: 2026:KHC:28441
MFA No. 743 of 2018

ASHOKA NAGAR, MANDYA TOWN,
MANDYA DISTRICT - 571 440.
(OWNER OF SCHOOL BUS
BEARING NO. KA-11-9134)

2. THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE
COMPANY BRANCH OFFICE,
1ST FLOOR, MYSORE TRADE CENTRE,
OPPOSITE TO KSRTC BUS STAND,
MYSURU, MYSURU DISTRICT - 570 001.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL, ADVOCATE FOR R2;
VIDE ORDER DATED 08.07.2025, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 19.12.2014 PASSED IN MVC
NO.521/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE,
MACT, MADDUR, 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 DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri.Vinay D Hosmath learned counsel for the
appellant as well as Sri.Ashok N Patil learned counsel for
respondent No.2.

2. Being aggrieved by the sum that is awarded as
compensation by the Motor Accident Claims Tribunal,
Maddur through orders in MVC No.521/2014 dated
19.12.2014, the claimant therein is before this Court by
filing this appeal.

3. Making his submission on the merits of the matter,
learned counsel for the appellant states that, as against
the claim for Rs.20,00,000/-, Tribunal awarded a sum of
Rs.5,22,644/- as compensation and indeed appellant is
entitled to the amount claimed. Learned counsel submits
that appellant sustained two grievous injuries in a road



traffic accident and the injuries resulted in permanent physical disability. CW-1 deposed before the Court in clear terms that the permanent physical disability is 42%. Tribunal took the disability in respect of whole body as 28% and awarded Rs.3,00,000/- as compensation towards pain and suffering, towards the discomforts faced, loss of amenities etc. Learned counsel states that tribunal ought to have taken the minimum wages, ought to have added 40% towards future prospects and thereafter ought to have awarded justifiable sum as compensation. Learned counsel also states that no amount is awarded as compensation towards future medical expenses. With a submission that following the principles laid down by the Hon'ble Supreme Court of India, in the Judgment rendered in the case between Hitesh Nagjibhai Patel -vs- Bababhai Nagjibhai Rabari & another, learned counsel seeks to award justifiable sum as compensation.



4. In the decision that is relied upon by learned counsel for the appellant, Hon'ble Apex Court at para No.9 of the judgment held as under:

"On the aspect of monthly income of the minor appellant, we are inclined to interfere with the judgment and order of the Courts below. In the present case, it is evident that the Courts below have failed to take into account the monthly income of the appellant while determining the quantum of compensation. It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises".

5. Also at paragraph Nos.15 and 16 it is held as under:-



"15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matric of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well-established principles of law.

16. We may also observe that, in general, i.e., accidents involving adults, we are often confronted with situations where the Minimum Wage Data is not readily available and every so often, the question that has been made up to this Court hinges only on the calculation of income. In that view of the matter and in the hope of reducing the claimants need to file appeals to this Court or even the High Court, we deem it appropriate to direct that in cases where the claimant has failed to furnish appropriate details of income or adequate proof thereof, it shall be the responsibility and obligation of the contesting party, more particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned Government".



6. Learned counsel for respondent No.2 contends that the disability as assessed by CW-1 is 42% in respect of both lower limbs. Thus the disability in respect of whole body comes to 14% which is $\frac{1}{3}^{\text{rd}}$ of 42%. But the tribunal took the disability in respect of whole body as 28% erroneously. Learned counsel thereby seeks to dispose of the appeal taking the disability in respect of whole body as 14%.

7. The collective submission made by both the learned counsel is that the accident occurred in the year 2013 and for the relevant period, as per Government Rules and Regulations, the minimum wages that were being paid at the area of residence of the appellant is Rs.5,899.00 per month.

8. By all the evidence produced, appellant succeeded in establishing that he sustained fracture of shaft of left femur and inter-trochanteric fracture of right femur. Also it is brought on record that appellant attended hospital for 9 times for follow up treatment on OPD basis. Also it is



brought on record that appellant underwent surgeries twice. The evidence of CW1 is that appellant suffers with 42% disability in respect of both lower limbs. Thus as rightly contented by learned counsel for respondent No.2, the disability in respect of whole body is required to be taken as 14%.

9. Taking the notional income of the appellant as Rs.5,899/- per month as sought for by learned counsel for the appellant, and adding 40% towards future prospects, on applying appropriate multiplier '18' and the disability in respect of whole body as 14%, the compensation which can be awarded towards loss of future earnings is as under.

Heads	Amount in Rs.
Notional monthly income	5,899
Annual income	70,788
On adding 40% towards future prospects	99,103.2
On applying appropriate multiplier '18'	17,83,857.6
Loss of future earnings, the disability in respect of whole body being 14%	2,49,740



10. Therefore it is clear that appellant is entitled to a sum of Rs.2,49,740/- towards loss of future earnings.

11. Having considered the fact that appellant, a boy aged around 10 years as on the date of accident, underwent two surgeries and that he visited hospital for treatment on 9 different occasions, this Court is of the view that one of the parents might have attended all the necessities of the appellant by spending their time throughout the day till he recovered. Therefore, this Court is of the view that a sum of Rs.30,000/- is required to be granted towards loss of earnings of the attendant.

12. Appellant established that a sum of Rs.2,10,644/- was incurred for the treatment and therefore he is entitled to said amount. Also appellant is entitled to Rs.30,000 as compensation for pain and suffering, Rs.30,000/- towards food, extra nourishment and transportation charges, Rs.20,000/- towards loss of amenities in life, Rs.10,000/- towards future medical expenses and Rs.20,000/- towards loss of marriage



prospects. Thus, total amount which the appellant is entitled to receive is as under:-

Heads	Amount in Rs.
Compensation for pain and suffering	30,000
Medical expenses	2,10,644
Towards food, extra nourishment and transportation	30,000
Loss of future earnings	2,49,740
Loss of amenities	20,000
Future medical expenses	10,000
Loss of marriage prospects	20,000
Loss of earnings of the attendant	30,000
Total	6,00,384

13. Tribunal held that appellant is entitled to a sum of Rs.5,22,644/- as compensation. However, the discussion that went on *supra* makes it clear that he is entitled to a sum of Rs.6,00,384/- as compensation. Therefore, the appeal is disposed of with the following:-

ORDER

- i. Appeal is allowed in part.
- ii. Compensation that is granted by the Motor Accident Claims Tribunal, Maddur through



orders in MVC No.521/2014 dated 19.12.2014 is enhanced from Rs.5,22,644/- to Rs.6,00,384/-.

- iii. The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit, except for the period of delay of 1007 days as per the orders on I.A No.1/2018.
- iv. Respondent No.2 is directed to deposit the enhanced sum within a period of 8 weeks from the date of receipt of certified copy of this judgment.
- v. On deposit, appellant is permitted to withdraw the entire amount subject to producing sufficient proof that he attained the age of majority.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 2