

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 256 OF 2023 (MV-I)

BETWEEN:

MR. MANJUNATHA. C
S/O CHOWDA REDDY
AGED ABOUT 38 YEARS
R/AT NO.30/01, 2ND CROSS,
2ND MAIN, FRIENDS LAYOUT,
K. KUNTE DINNE, J.P NAGAR,
8TH PHASE,
BENGALURU- 560 078.

...APPELLANT

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

AND:

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

2. M/S SUPREME CONCRETE MIX,
SY.NO.170, MANCHAPANAHOSAHALLI
BHUDHIGERE POST,JALA HOBLI,
BHUDHIGERE POST, JALA HOBLI,
BENGALURU RURAL DISTRICT,
PIN - 562 129.

...RESPONDENTS

(BY SRI. B.A. RAMAKRISHNA.,ADVOCATE FOR R1,
R2-NOTICE DISPENSED WITH, VIDE ORDER DATED
14/11/2025)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 25.02.2022 PASSED IN MVC NO.3411/2020 ON THE FILE OF THE V ADDITIONAL SMALL CAUSES JUDGE AND XXIV ACMM, MAYO HALL UNIT, MEMBER, MACT, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 12.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

This appeal is by the appellant/claimant seeking for enhancement of compensation arising out of judgment and award dated 25.02.2022 in MVC No.3411/2020, passed by the Motor Accident Claims Tribunal & V Additional Judge, SCCH-20, Mayo Hall Unit, Bengaluru (for short, 'Tribunal').

2. The parties are referred to as per their ranking before the Tribunal for easy reference.

3. The brief facts of the case are that:-

On 24.01.2020 at about 01.00 p.m., the petitioner was riding a Honda Activa bearing Reg.No.KA-50-X-9801

on SH-104, near BSNL Tower, Budigere, Channarayapattana Hobli, Bengaluru, while a TATA Canter bearing Reg.No.KA-50-A-2032 came in a rash and negligent manner and dashed against the petitioner's motor cycle from behind, due to which, he fell down and sustained grievous injuries. Hence, filed claim petition under Section 166 of M.V. Act, 1989 seeking for compensation of Rs.10,00,000/-.

4. After issuance of notice, the respondents have appeared through their respective counsel and filed statement of objections.

5. In order to substantiate the case of the petitioner, the petitioner got himself examined as PW-1 and examined treated Doctor as PW-2 and one witness as PW-3 and got marked documents at Exs.P1 to P17. On the other hand, respondent No.1 examined one witness as RW-1 and got marked documents as Exs.R.1 to R.4.

6. On the basis of the pleadings of the parties, the Tribunal framed the issues and held that the Insurance

Company of the offending vehicle is held liable to pay a total compensation of Rs.1,47,500/- to the petitioner with interest at the rate of 6% per annum from the date of petition till realization.

7. Learned counsel for the appellant submits that as per Ex.P.5, wound certificate and Ex.P.7 – discharge summary, appellant has sustained type I open both bones fracture mid 1/3rd left leg, which is grievous in nature. As per Ex.P.7 – Discharge summary, petitioner was treated as an inpatient for a period of 03 days from 24.01.2020 to 26.01.2020. The Tribunal has not properly considered the case of the appellant and awarded meager compensation under all heads, which require enhancement. He further submits that the Tribunal has erred in not granting any compensation under the head 'loss of income due to disability' inspite of examining the treated Doctor. Accordingly, sought to allow the appeal and enhance compensation by modifying the judgment and award passed by the Tribunal.

8. Refuting the submissions of learned counsel appearing for the appellant, learned counsel for the respondent No.1 submits that the Tribunal after considering entire material placed before it, awarded appropriate compensation. The compensation awarded by the Tribunal is just and proper and does not call for any interference at the hands of this Court. Accordingly, sought to dismiss the appeal.

9. Heard the learned counsel appearing for the appellant and respondent No.1 and perused entire material on record.

10. It is not in dispute that appellant has sustained fracture stated *supra*. The appellant has examined the treated Doctor as PW-2, who has stated that petitioner has suffered disability to an extent of 45% to the left lower limb and 15% to the whole body. The Tribunal has recorded a finding that difficulty to walk on plain surface is reported as nil, but the ability to walk on 35 degree slope, climb steps etc., is reported at 5%. The ability to stand on

both legs for a period of 10 seconds is reported as nil difficulty, which means that the petitioner is able to do his work in normal situation. The fracture is now united as per the evidence of the doctor who has also submitted that the said disability may or may not decrease in future if the petitioner undergoes physiotherapy and other treatments. The medical officer has not produced any certificate regarding the disability and hence, it has not granted any compensation under the head 'loss of future income'. In view of the findings of the Tribunal, this Court is of the opinion that the findings given by the Tribunal is just and appropriate and does not call for any interference.

11. The Tribunal has awarded a sum of Rs.10,000/- towards 'pain and sufferings', Rs.81,100/- towards 'medical expenses and hospital charges', Rs.3,000/- towards 'food and nourishment, Rs.3,000/- towards 'conveyance charges', Rs.3,000/- towards 'attendant charges' and Rs.30,000/- towards 'future medical expenses', which are just and reasonable.

12. Insofar as 'loss of amenities' is concerned, the Tribunal has awarded a sum of Rs.3,000/-, which is on the lower side. Considering the nature of injury, a sum of **Rs.30,000/-** is awarded under the said head.

13. The Tribunal has awarded a sum of Rs.14,000/- towards 'loss of income during laid up period'. In view of the accidental injuries, the claimant would have taken rest atleast for a period of 3 months. Therefore, by taking income at Rs.14,000/- per month and calculating the laid up period for 3 months, the claimant is entitled for a sum of **Rs.42,000/-** (Rs.14,000 x 3), under the head 'loss of income during laid up period'.

14. In all, the total compensation re-determined by this Court under various heads is as follows:

1.	Pain and Sufferings	:	Rs.	10,000/-
2.	Attendant, food, nourishment and conveyance expenses	:	Rs.	9,000/-
3.	Medical Expenses	:	Rs.	81,100/-
4.	Loss of amenities	:	Rs.	30,000/-
5.	Loss of income during laid up period	:	Rs.	42,000/-

6.	Future medical expenses	:	Rs.	30,000/-
	TOTAL	:	Rs.	2,02,100/-

15. On re-determination, the appellant is entitled for total compensation of Rs.2,02,100/- rounded off to **Rs.2,02,500/-** as against Rs.1,47,500/- along with interest at the rate of 6% per annum from the date of petition till realization.

16. Accordingly, I proceed to pass the following:

ORDER

- i) The appeal is ***allowed-in-part.***
- ii) The judgment and award passed by the Tribunal in MVC No.3411/2020 dated 25.02.2022 by the Motor Vehicles Accident Claims Tribunal & V Additional Judge, (SCCH-20), is hereby modified holding that the claimant is entitled for total compensation of **Rs.2,02,500/-** along with interest @ 6% p.a. from the date of petition till its realization.

- iii) The compensation amount along with accrued interest if any, shall be deposited by the respondent No.1 – Insurance Company, within eight weeks from the date of filing of the petition till realization;
- iv) Upon deposit, entire amount shall be released in favour of appellant on proper identification in terms of award.
- v) No order as to costs.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

MH/-