



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 1326 OF 2018 (MV-I)

BETWEEN:

MR. HARSHAVARDHANA J. SHETE
S/O LATE JAMMANNA K SHETE
@ LATE K.J. SHETE,
AGED ABOUT 55 YEARS
R/AT D NO. 6-38, NEAR BELKEREI BASADI,
BELKERI ROAD, PRANTHYA VILLAGE,
MOODABIDRI, MANGALURU TALUK
D.K.DISTRICT - 575 022.

...APPELLANT

(BY SRI. G. RAVISHANKAR SHASTRY, ADVOCATE)

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by AASEEFA
PARVEEN

AND:

Location: HIGH
COURT OF
KARNATAKA

1. MR. SANTHOSH KUMAR HEGDE
S/O LATE BABU HEGDE,
AGED ABOUT 53 YEARS,
R/AT DEVI KRIPA
KELAGINA BALIKE HOUSE,
MUCHOORU POST AND VILLAGE,
MANGALURU TALUK
D.K.DISTRICT - 575 018.

2. THE BRANCH MANAGER
UNITED INDIA INSURANCE COM. LTD.,



SREE VITTAL MAIN ROAD,
SURATHKAL, MANGALURU TALUK,
D.K.DISTRICT - 575 001.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2;
R1 IS SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 11.09.2017 PASSED IN MVC
NO.747/2017 ON THE FILE OF THE MACT, 1ST ADDITIONAL
SENIOR CIVIL JUDGE, MANGALURU, D.K., PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri.Ravishankar Shastry.G learned counsel for appellant as well as Sri.S.V.Hegde Mulkhad learned counsel for respondent no. 2.

2. Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal, Mangaluru, Dakshina Kannada in M.V.C. No.747/2017 dated 11.09.2017. This is a claimant's appeal.

3. On the ground that he sustained grievous injuries in a road traffic accident that occurred in the year 2016 and became permanently and completely disabled, the appellant filed a petition claiming compensation of Rs.30,00,000/- in total. The tribunal through the impugned order held that appellant is entitled to a sum of Rs.9,70,000/- in total as compensation. On the ground that the amount claimed was not awarded and that the compensation granted is too meager, this appeal is filed.



4. Sri. Ravishankar Shastry.G learned counsel for the appellant contends that the appellant sustained grievous injuries and his lungs collapsed. He took treatment as inpatient for around two months. The appellant was working under PW-3 and was earning Rs.10,000/- per month. He was also doing part time work, apart from working under PW3 and thereby his total earnings were Rs.20,000/- per month. Without considering the evidence of PW-3 tribunal took the notional income of the appellant as Rs.8,000/- per month. Learned counsel states that the accident occurred in the year 2016 and for the relevant period even the Karnataka State Legal Services Authority is taking the notional income of the claimants as Rs.9,500/- per month for settlement of the disputes and at least said figure should have been adopted by the tribunal. Learned counsel also states that due to head injury there is total loss of memory. PW-2 clearly stated that the disability is 20%. However, tribunal fixed the disability in respect of whole body as 5% which is unjustifiable.



Learned counsel also states that compensation granted under all heads is too meager and therefore by allowing the appeal the sum claimed by the appellant as compensation be awarded.

5. On the other hand, Sri.S.V.Hegde Mulkhad learned counsel for respondent No.2 contends that the tribunal discarded the evidence of PW-3 as PW-3 failed to produce any proof to show that he employed the appellant and paid salary to him. Learned counsel also submitted that PW-2 is not a treated Doctor and thus the disability assessed by him cannot be taken into consideration. Learned counsel further submitted that huge amount is granted towards compensation by the tribunal and thus the appeal is liable to be dismissed.

6. By all the evidence produced appellant succeeded in establishing that he sustained two simple injuries and four grievous injuries. The grievous injuries are fracture of distal radius bone right side, cerebral oedema with extra



dural haemorrhage over the left temporal lobe of brain, fracture of 5th, 6th, 7th, 8th and 9th ribs on left side and left lung collapses.

7. Tribunal held that appellant is entitled to a sum of Rs.1,00,000/- towards pain and suffering, Rs.7,50,000/- towards medical expenses, Rs.30,000/- towards attendant, food and extra nourishment and conveyance charges, Rs.32,000/- towards loss of income during treatment period, Rs.53,000/- towards loss of future earnings and Rs.4,000/- towards future medical expenses. A sum of Rs.9,70,000 is awarded in total.

8. Basing on the submission made by learned counsel for the appellant, this Court considers desirable to take the notional income of the appellant as Rs.9,500/- per month. Appellant succeeded in establishing that he took treatment as inpatient for 53 days. Thus considering the fact that the appellant sustained four grievous injuries which includes an injury to temporal lobe of the brain, fracture of ribs left



side, fracture of distal radius bone right side and lung collapse, this Court is of the view that appellant would have taken bed rest at least for a period of 6 months. Thus, loss of earnings during laid up period comes to Rs.57,000/- (Rs.9,500 x6). Thus the enhancement under this head will be Rs.25,000/- (57,000-32,000).

9. Having considered the evidence of PW-2 and the nature of injuries sustained, this Court is of the view that the disability in respect of whole body can be taken to be 10%. Thus, on taking the notional income of the appellant as Rs.9,500/- per month, applying appropriate multiplier '11' and the disability in respect of whole body as 10%, the compensation which the appellant is entitled to receive towards loss of future earnings is Rs.1,25,400/- (9,500 x12x11x10%). Thus the addition under this head will be Rs.72,400/- (1,25,400-53,000).

10. This Court is also of the view that the appellant is entitled to a sum of Rs.40,000/- towards attendant, food,



extra nourishment and conveyance charges in the light of the fact that appellant took treatment as inpatient for a long period of 53 days. The tribunal granted a sum of Rs.30,000/- only under the said head. Thus, the enhancement will be Rs.10,000/- (40,000 - 30,000).

11. As rightly contented by learned counsel for the appellant during the course of his submission, appellant is entitled to certain amount towards loss of amenities in life. Having considered the evidence produced, this Court is of the view that appellant is entitled to a sum of Rs.10,000/- towards loss of amenities in life. Compensation granted by the Tribunal under all other heads is justifiable. Therefore, total sum which the appellant is entitled to receive in addition to the sum that is awarded by the Tribunal is Rs.1,17,400/-(25,000+72,400+10,000+10,000).

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, Mangaluru, Dakshina Kannada through orders in M.V.C. No.747/2017 dated 11.09.2017 is enhanced by Rs.1,17,400/-.
- iii. The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- 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.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 27