



CNR: KAHC010115252020

NC: 2026:KHC:52500
MFA No. 3703 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
MISCELLANEOUS FIRST APPEAL NO. 3703 OF 2020
(MV-I)

BETWEEN:

1. RAVISHANKAR N. R.,
S/O LATE RAJASHEKHARAPPA N. M.,
AGED ABOUT 35 YEARS,
OCC: AGRICULTURIST,
R/O K. HANUMANTAPPA,
HOSA KADLEBALU VILLAGE,
DAVANAGERE TALUK AND DISTRICT.

...APPELLANT

(BY SRI. GANGADHAR G. D., ADVOCATE)

AND:

1. KEERTI KUMAR V.,
S/O A.VENKATESH,
AGED ABOUT 40 YEARS,
OCC: DRIVER,
R/O VADDARA PALYA VILLAGE,
HIRE GUNTANUR HOBLI,
CHITRADURGA TALUK AND DISTRICT.
2. GURUMURTHAPPA,
S/O GURAPPA,
DEAD BY LRS SRINIVASA
AGED ABOUT 33 YEARS,

Digitally
signed by
SUSHMA
LAKSHMI B
S
Location:
High Court
of
Karnataka



NC: 2026:KHC:52500
MFA No. 3703 of 2020

CNR: KAHC010115252020

S/O LATE GURUMURTHAPPA,
OCC: AGRICULTURIST,
R/O VADDARA PALYA VILLAGE,
CHITRADURGA TALUK AND DISTRICT.

3. GOVINDARAJU
AGED ABOUT 30 YEARS,
S/O LATE GURUMURTHAPPA,
OCC: AGRICULTURIST,
R/O VADDARA PALYA VILLAGE,
CHITRADURGA TALUK AND DISTRICT.

4. RELIANCE INSURANCE COMPANY LTD.,
NO.1 AND 2, 1ST FLOOR,
MAGNUR COMERCIAL COMPLEX,
B. D. ROAD,
CHITRADURGA - 577 501.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR., ADVOCATE FOR R4;
R1 – R3 ARE SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 22.11.2019, PASSED IN
MVC.NO.636/2018, ON THE FILE OF THE II ADDITIONAL
SENIOR CIVIL JUDGE AND J.M.F.C. AT DAVANAGERE, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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



CNR: KAHC010115252020

NC: 2026:KHC:52500
MFA No. 3703 of 2020

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. This appeal has been filed by the appellant/claimant seeking enhancement of compensation, being aggrieved by the judgment and award dated 22.11.2019 passed in MVC No.636/2018 on the file of the II Addl. Senior Civil Judge and VI MACT, Davanagere (for short, 'Tribunal'), wherein the Tribunal awarded compensation of Rs.4,37,600/- with interest at 6% p.a., from the date of petition till realization.

2. The facts of the case is that on 05.10.2017, the petitioner was going in a motorcycle from B.Durga to go to V. Palya Village. His vehicle met with an accident with the tractor which came in a rash and negligent manner with high speed. As a result of which, the claimant sustained injuries. The said injuries caused impact to the extent of permanent disability. Therefore, he has lost future earning capacity.

3. Having said thus, the claimant had approached the Tribunal for compensation. The Tribunal awarded total compensation of Rs.4,37,600/- with future interest at the rate



CNR: KAHC010115252020

of 9% per annum. Being aggrieved by the same, the appellant approached this Court for enhancement of the compensation awarded by the Tribunal.

4. Heard Sri.Gangadhar G.D., learned counsel for appellant and Sri. D. Vijaykumar, learned counsel for respondent No.4. Respondent Nos.1 to 3 are served and unrepresented.

5. Learned counsel for the appellant submitted that the Tribunal has committed grave error in accepting the income of the injured and also failed to consider the disability percentage which is requires to be enhanced. In addition to this, loss of amenities in life, Conveyance, food, nourishment, future medical expenses also to be enhanced, is the submission of learned counsel for the appellant/claimant.

6. Per contra, learned counsel representing the respondent No.4 – Insurance Company justified the award passed by the Tribunal and stated that the Tribunal has awarded fair compensation which requires no modification. Making such submissions, learned counsel for respondent No.4 – Insurance Company prays to dismiss the appeal.



CNR: KAHC010115252020

NC: 2026:KHC:52500
MFA No. 3703 of 2020

7. Having considered the submissions made by the learned counsel for the respective parties and on a perusal of the findings of the Tribunal, it appears that the Tribunal awarded compensation under the head of loss of future earning capacity by taking into consideration an income of Rs. 8,000/-. However, the accident occurred in the year 2017. Even assuming that the notional income as per the chart is concerned, the Tribunal ought to have considered Rs. 11,000/- per month. Therefore, the said head has to be re-calculated as follows:

Loss of future earning capacity:

Rs.11,000/-X17X12X10%=2,24,400/-.

8. On assessing the medical records, the Tribunal opined that the injured suffered an injury to his right lower limb and sustained a 10% disability. However, the Tribunal failed to consider the loss of earnings during the laid-up period. Hence, it is necessary to consider a minimum of three months' loss of earnings during the rest period. Therefore, the calculation would be as follows:



Loss of income during the laid-up period:

$$11000 \times 3 = 33,000/-.$$

9. The Tribunal has awarded Rs.10,000/- towards Loss of amenities in life, Rs.10,000/- towards conveyance, food, nourishment and Rs.20,000/- towards future medical expenses. However, it has to be increased Rs.20,000/- on each heads. Remaining heads require no modification.

10. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the compensation as under:-

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Loss of future income	1,63,200	2,24,400
02	Pain and suffering	50,000	50,000
03	Medical expenses	1,84,397	1,84,397
04	Conveyance, food, nourishment	10,000	30,000
05	Future medical expenses	20,000	40,000



CNR: KAHC010115252020

NC: 2026:KHC:52500
MFA No. 3703 of 2020

06	Loss of amenities in life	10,000	30,000
07.	Loss of income during laid up period. (11,000X3)	-----	33,000
	TOTAL	4,37,597	5,91,797 -4,37,597 =1,54,200/-

8. In the light of the observations made above, I proceed to pass the following:-

ORDER

- i) Miscellaneous First Appeal is ***allowed- in-part.***
- ii) The judgment and award dated 22.11.2019 passed in MVC No.636/2018 on the file of the II Addl. Senior Civil Judge and VI MACT, Davanagere, is modified, granting compensation of **Rs.5,91,797/- (Rupees Five Lakhs Ninety One Thousand Seven Hundred and Ninety Seven only)** as against Rs.4,37,597/- awarded by the Tribunal.
- iii) The claimant is entitled to enhanced compensation of **Rs.1,54,200/-(Rupees One Lakh Fifty-four**



NC: 2026:KHC:52500
MFA No. 3703 of 2020

CNR: KAHC010115252020

Thousand Two Hundred only) with interest at the rate of 6% per annum from the date of this appeal till realization.

- iv) The enhanced compensation amount shall be deposited by the Insurance Company-respondent No.4 within a period of six weeks from date of receipt of the certified copy of this judgment.
- v) The Registry is directed to communicate the order to the Tribunal and send the records to the Trial Court forthwith.

Sd/-
(S RACHAIAH)
JUDGE