



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.6142 OF 2018(MV-I)

BETWEEN:

SRI SHIVA KUMAR T. S.,
S/O SIDDAPPA,
AGED ABOUT 51 YEARS,
R/AT KRISHNAMURTHYS HOUSE,
6TH CROSS, T B BUS STOP,
SUBHASHANAGARA II STAGE,
NELAMANGALA TOWN,
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

1. UNITED INDIA INSURANCE CO. LTD.,
KRISHI BHAVAN,
NEXT TO MAGISTRATE COURT,
NRUPATHUNGA ROAD,
BENGALURU - 560001.
REP BY ITS MANAGER.
2. MR. VENKATAPPA,
S/O HANUMATHAIAH,
NO 7258,
SHRIHARI NILAYA,
2ND CROSS, GHPS SCHOOL,
SUBHASHNAGARA,



NELAMANGALA TOWN- 567 125.
BENGALURU RURAL DISTRICT

...RESPONDENTS

(BY SRI. G. S. MARULAIAH, ADVOCATE FOR R1;
R2 IS SERVED AND UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.4.18 PASSED IN
MVC NO.745//17 ON THE FILE OF THE XIII ADDITIONAL
JUDGE, COURT OF SMALL CAUSES & MEMBER, MACT,
BENGALURU [SCCH-15] 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.Raghu R. learned counsel for the appellant as
well as Sri.G.S.Marulaiah, learned counsel for respondent No.1.

2. This appeal is the outcome of the award that is
passed by the Motor Accident Claims Tribunal, Bengaluru, in



MVC No.745/2017 dated 13.04.2018. This is a claimants' appeal.

3. Learned counsel for the appellant submits that appellant sustained grievous injuries in a road traffic accident which occurred in the year 2016. By working as lecturer in a college, the appellant was earning ₹35,000/- per month. The grievous injuries sustained resulted in permanent physical disability. PW2 clearly deposed that the disability in respect of left upper limb is 24% and in respect of whole body it is 8%. However, Tribunal did not award any compensation towards loss of future earnings. Also, the compensation granted under all heads is on lower side. Learned counsel thereby seeks to allow the appeal and grant the amount claimed.

4. Per contra, learned counsel who represents respondent No.1 submits that appellant took treatment as inpatient for four days only. Appellant himself when he was examined as PW1, during the course of cross-examination admitted that he continues to work in the same college even after the date of accident and he is getting the same salary. Thus, there is no loss of earnings and hence Tribunal rightly



declined to award any compensation for the alleged loss of future earnings. Learned counsel also contends that huge sum is awarded towards compensation and therefore appeal is not maintainable.

5. As per the evidence produced, appellant sustained comminuted fracture shaft of radius and two other injuries. He underwent a surgery also. However, there is no denial of the fact that appellant continued to work in the same college where he was working prior to the date of accident and draws same salary. Tribunal discussed the evidence of PW2 and came to a conclusion that the appellant suffers with disability of 5% in respect of whole body. Therefore, undoubtedly appellant will continue to perform his duties with such disability. The disability with which he is left with, definitely affects his normal course of life which includes professional as well as personal engagements.

6. Having considered the nature of injuries sustained, this Court is of the view that appellant could not have attended his normal pursuits at-least for a period of three months. No amount is awarded as compensation for the amount the



appellant would have spent towards attendant charges as well as the loss he sustained monetarily during that period. An amount of ₹20,000/- only is awarded towards loss of amenities. Thus, taking into consideration all these aspects, this Court is of the view that in case an additional sum of ₹75,000/- is awarded as compensation, the total sum which the appellant receives will be justifiable. Therefore, the appeal is disposed of with the following:

ORDER

- (i) The appeal is allowed-in-part.
- (ii) Compensation that is granted by the Motor Accident Claims Tribunal, Bengaluru, through orders in MVC No.745/2017 dated 13.04.2018 is enhanced by ₹75,000/-.
- (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.1 is directed to deposit the enhanced sum within a period of eight weeks from



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the date of receipt of certified copy of this judgment.

- (v) On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP, CT:TSM
List No.: 1 Sl No.: 35