



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.7427 OF 2018(MV-I)

BETWEEN:

SRI. PRAVEEN KUMAR A.,
S/O ASHWATHAIAH,
R/AT CHIKKAGOLLARAHATTI,
LAKSHMIPURA,
DASANPURA HOBLI,
BENGALURU NORTH TALUK.

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA

1. NATIONAL INSURANCE CO, LTD.,
REGIONAL OFFICE,
SUBHARAM COMPLEX,
M.G. ROAD,
BANGALORE-560 001.
REP BY ITS MANAGER

2. SRI PERUMAL M. R.,
NO.246,GD 6TH CROSS,
12TH MAIN,5TH SECTOR,
HSR LAYOUT,
BENGALURU-560 102.

...RESPONDENTS



(BY SRI. JANARDHANA REDDY, ADVOCATE FOR R1;
VIDE ORDER DATED 09.04.2025,
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 11/09/2017, PASSED IN MVC NO.2868/2015, ON THE FILE OF THE XXI ACMM & XXIII ADDITIONAL SMALL CAUSES JUDGE, BENGALURU, 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.Janardhan Reddy, learned counsel for respondent No.1.

2. Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal, Bengaluru, in MVC No.2868/2015 dated 11.09.2017. This is a claimant's appeal.

3. The claim of the appellant is ₹10,00,000/- towards compensation. The Tribunal through the impugned order held



that he is entitled to a sum of ₹4,74,500/- only. The version of the appellant is that he is entitled to a higher sum.

4. Making his submission on the merits of the matter, Sri. Raghu R. learned counsel for the appellant contends that appellant sustained grievous injuries which resulted in permanent physical and intellectual impairment. Appellant besides examining himself as PW1 produced the evidence of PWs.4 and 5. PW4 clearly stated that appellant suffers with 42% permanent physical disability in respect of left leg and 14% to the whole body. PW5 deposed that he suffers with 20% intellectual impairment. But the Tribunal without considering the evidence of PWs.4 and 5 took the disability in respect of whole body as 18%. Learned counsel also submits that the appellant as a Supplier of Mineral Water was earning ₹15,000/- per month, but Tribunal took the notional income as ₹8,000/- per month only. Learned counsel states that the accident occurred in the year 2015 and for the relevant period, the Karnataka State Legal Services Authority is taking the notional income as ₹9,000/- per month for settlement of claims and Tribunal ought to have adopted said figure. Learned counsel also states that future prospects are required to be added.



Further contending that compensation granted under all heads is on lower side, learned counsel ultimately seeks for enhancement.

5. Sri.Janardhan Reddy who represents respondent No.1 states that Tribunal granted justifiable sum as compensation. Learned counsel further submits that basing on the submission made by learned counsel for the appellant, taking the notional income as ₹9,000/- per month, there may be marginal enhancement.

6. By all the evidence produced, appellant established that he sustained bifrontal, biorbital fracture with underlying contusion and pneumocephalus and that he also sustained closed fracture of left femur mid 1/3rd which are grievous in nature. He further established that he took treatment as inpatient for a period of 21 days.

7. Considering the evidence of PWs.4 and 5, the nature of injuries sustained and the other evidence produced, Tribunal took the disability in respect of whole body as 18% and the same needs no interference. However, the Tribunal ought to have added future prospects. As the appellant was



aged around 22 years as on the date of accident, as per the decision of Hon'ble Apex Court in the case of *National Insurance Company Limited v. Pranay Sethi and Others* reported in (2017) 16 SCC 680, 40% of the earnings are required to be added towards future prospects. The accident occurred in the year 2015 and for the relevant period the Karnataka State Legal Services Authority is taking the notional income as ₹9,000/- per month for settlement of claims. Therefore, this Court considers desirable to take the notional income of the appellant as ₹9,000/- per month. Having taken the notional income of the appellant as ₹9,000/- per month, on adding 40% towards future prospects, on applying appropriate multiplier '18' and taking the disability in respect of whole body as 18%, the compensation which the appellant is entitled to receive towards 'loss of future earnings' is ₹04,89,888/- (₹9,000/- x 12 + 40% x 18 x 18%). Tribunal granted a sum of ₹3,11,040/- under the said head. Thus, the enhancement in compensation towards 'loss of future earnings' is ₹1,78,848/- (₹4,89,888 minus ₹3,11,040/-).



8. Tribunal granted a sum of ₹8,000/- only towards loss of income during laid up period. However, having considered the fact that appellant sustained two grievous injuries and took treatment for a period of 21 days, this Court is of the view that appellant could not have attended his normal pursuits at least for a period of four months. Thus, loss of earnings during laid up period comes to ₹36,000/- (9000x4). Thus, the enhancement will be ₹28,000/- (₹36,000/- minus ₹8,000/-). Compensation granted by the Tribunal under all other heads is justifiable and therefore same needs no interference. Thus, compensation which appellant is entitled to receive in addition to the sum that is awarded by the Tribunal is ₹2,06,848/- (₹1,78,848 + ₹28,000/-). Therefore, 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, Bengaluru, through orders in MVC No.2868/2015 dated 11.09.2017 is enhanced by ₹2,06,848/-.



- (iii) The enhanced sum shall carry interest on the rate of 6% per annum from the date of petition till the date of deposit except for the period of delay of 258 days as per orders on IA No.1/2018 dated 13.06.2025.
- (iv) Respondent No.1 is directed to deposit the enhanced sum within a period of eight weeks from 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.: 37