



CNR: KAHC010153572024

NC: 2026:KHC:42263
MFA No. 1714 of 2024
C/W MFA No. 1645 of 2024
MFA No. 1860 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.1714 OF 2024(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.1645 OF 2024(MV-D)

MISCELLANEOUS FIRST APPEAL NO.1860 OF 2024(MV-I)

IN MFA No. 1714/2024

BETWEEN:

MR. G. KRISHNAPPA,
S/O GANGULAPPA ALIAS GANGAIAH,
NOW AGED ABOUT 53 YEARS,
RESIDING AT NO.1803,
BHOVI COLONY,
SRINIVASAPURA TOWN,
KOLAR DISTRICT.

...APPELLANT

(BY SRI. GOPAL KRISHNA N., ADVOCATE)

AND:

1. SRI. PRAVEEN D.,
S/O DAYALAN S,
MAJOR IN AGE,
RESIDING AT NO.9,
BALAKRISHNA ROAD,
SONAGI LAYOUT,
MARUTHI SEVA NAGAR,
BANGALORE – 560 033.
2. CHOLAMANDALAM MS GENERAL INS. CO.LTD.,
UNIT NO.4, 9TH FLOOR (LEVEL-6),

Digitally signed by
REKHA R
Location: High
Court of
Karnataka



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GOLDEN HEIGHTS COMPLEX,
59TH C CROSS,
INDUSTRIAL SUBURB,
4TH M BLOCK, RAJAJINAGR,
BENGALURU – 560 010.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI. H.S. LINGARAJ, ADVOCATE FOR R2,
VIDE ORDER DATED 07.08.2024 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:13.06.2022
PASSED IN MVC NO.2267/2019 ON THE FILE OF THE XXI
ACMM, XXIII ASCJ, MACT, BENGALURU PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 1645/2024

BETWEEN:

1. SMT. HAJIRA FATHIMA,
W/O LATE SYED SALMAN,
AGED ABOUT 32 YEARS,
2. KUM. UMEMA MEHVISH,
D/O LATE SYED SALMAN,
AGED ABOUT 13 YEARS,
3. SMT. AKILA KHANUM,
W/O LATE SYED JAMSHEED,
AGED ABOUT 57 YEARS,
SINCE 2ND APPELLANT IS MINOR
REPRESENTED BY HER NATURAL MOTHER
GUARDIAN THE 1ST APPELLANT HEREIN

ALL ARE PRESENTLY
RESIDING AT NO 136,



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15TH CROSS,
GOVINDAPURA,
BANGALORE - 560 045.

PERMANENT RESIDENTS OF:
NO 865/3 NEAR SOMESHWARA TEMPLE,
FORT KOLAR TOWN.

...APPELLANTS

(BY SRI. GOPAL KRISHNA N., ADVOCATE)

AND:

1. SRI. PRAVEEN D.,
S/O DAYALAN,
MAJOR IN AGE,
RESIDING AT NO 09.
BALAKRISHNA ROAD,
SONAGI LAYOUT,
MARUTI SEVA NAGAR,
BANGALORE - 560 033.
2. CHOLAMANDALAM MS GENERAL INS. CO.LTD.,
UNIT NO.4, 9TH FLOOR (LEVEL-6),
GOLDEN HEIGHTS COMPLEX,
59TH C CROSS,
INDUSTRIAL SUBURB,
4TH M BLOCK, RAJAJINAGR,
BENGALURU - 560 010.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI.H.S. LINGARAJ, ADVOCATE FOR R2,
VIDE ORDER DATED 07.08.2024 NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:13.06.2022



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PASSED IN MVC NO.2266/2019 ON THE FILE OF THE XXI
ACMM AND XXIII ADDITIONAL SMALL CAUSE JUDGE, MACT,
BENGALURU, (SCCH-25), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

IN MFA NO. 1860/2024

BETWEEN:

SRI. UMESH V.,
S/O LATE VENKATESH,
NOW AGED ABOUT 43 YEARS,
RESIDING AT NO.2153,
BHOVI NAGAR,
BANGARPET TOWN
KOLAR DISTRICT – 563 114.

...APPELLANT

(BY SRI. GOPAL KRISHNA N., ADVOCATE)

AND:

1. SRI PRAVEEN D.,
S/O DAYLAN S.,
MAJOR IN AGE,
RESIDING AT NO.9,
BALAKRISHNA ROAD,
SONAGI LAYOUT,
MARUTHI SEVA NAGAR,
BANGALORE – 560 033.
2. CHOLAMANDALAM MS GENERAL INS. CO.LTD.,
UNIT NO.4, 9TH FLOOR (LEVEL-6),
GOLDEN HEIGHTS COMPLEX,
59TH C CROSS,
INDUSTRIAL SUBURB,
4TH M BLOCK, RAJAJINAGR,



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BENGALURU – 560 010.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI.H.S. LINGARAJ, ADVOCATE FOR R2,
VIDE ORDER DATED 03.09.2024 NOTICE TO
R1 DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:13.06.2022
PASSED IN MVC NO.2268/2019 ON THE FILE OF THE XXI
ACMM AND XXIII ADDITIONAL SMALL CAUSES JUDGE, MACT,
BENGALURU, (SCCH-25), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THESE APPEALS, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

These three appeals by the Claimants, seeking
enhancement of compensation, arising out of common
Judgment and Award dated 13.06.2022, passed by the
Motor Accident Claims Tribunal, Court of Small Causes,
Bengaluru (SCCH-25)¹, in MVC Nos.2266/2019,
2267/2019 and 2268/2019.

¹ 'the Tribunal', for short



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

3. Facts germane to file the present appeals are as under:

3.1 In an unfortunate incident occurred on 02.12.2018, while an Auto rickshaw was parked on the mud footpath and two persons into their TATA Sumo vehicle filling fuel, rammed by a TATA Ace light goods vehicle bearing Registration No.KA-03-AA-8510, resulting in injury to claimants in MVC Nos.2267/2019 and 2268/2019 and death of Sri.Syed Salman (driver of the Auto rickshaw), whose legal heirs filed claim petition in MVC No.2266/2019.

3.2 The Tribunal after considering the material on record, awarded total compensation of Rs.23,04,400/- in MVC No.2266/2019, Rs.11,43,600/- in MVC No.2267/2019 and Rs.25,84,400/- in MVC No.2268/2019, with interest @ 6% per annum from



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the date of petition till realization. It is this common judgment and award passed by the Tribunal, is called in question in these appeals by the claimants, seeking enhancement of compensation.

4. Heard, Sri.Gopala Krishna.N, learned counsel appearing for the Claimants in all the appeals and Sri.H.S.Lingaraj, learned counsel appearing for respondent No.2 – Insurer in all the appeals.

In MFA No.1645/2024

5. Learned counsel Sri.Gopala Krishna.N, appearing for the claimants submits that the deceased was an auto rickshaw driver and the same is supported by producing Ex.P9 Driving License. The Tribunal has considered the income at Rs.12,000/- per month, which is much less than the income fixed under the Chart prepared by Karnataka State Legal Services Authority for settling the case before Lok-Adalat for the accident occurred in the year 2018 and awarded compensation. He submits that



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the compensation awarded under other heads are also on the lower side, as such the compensation awarded by the Tribunal requires re-consideration. Learned counsel further submits that the Tribunal ought to have considered the income at the rate of Rs.1,000/- per day, which comes to Rs.30,000/- per month and awarded appropriate compensation.

6. Sri.H.S.Lingaraju, learned counsel appearing for the Insurer, per contra, submits that in the absence of any material placed on record, the Tribunal has considered the income at the rate of Rs.12,000/-p.m, however learned counsel with all fairness submits that the same should have been at Rs.12,500/- p.m, in terms of the amount fixed under the Chart and submits that compensation awarded under other heads are just and proper and does not call for any interference and sought to dismiss the appeals.



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7. This Court having considered the rival submissions, is of the opinion that the amount fixed under the Chart for settling dispute before the Lok-Adalat for the year 2018 is Rs.12,500/-, is in respect of unskilled labor. Whereas, in the case on hand, the deceased was an auto rickshaw driver, which requires skill to drive. In that view of the matter, this Court is of the opinion that, the income of a driver of an auto rickshaw in Bengaluru City perhaps may not be less than a sum of Rs.600/- per day, which comes to Rs.18,000/- per month, is taken into consideration, the same would meet the ends of justice. So far as age and multiplier is concerned, there is no dispute.

8. In view of settled position of law, the claimants are also entitled for adding 40% future prospectus towards the existing income, so also they are entitled for 10% escalation on the compensation awarded under conventional heads for each completed three years since 2017. In the case on hand, the claimants are entitled for



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two terms of three completed years. For the foregoing reasons, this Court proceeds to re-assess the compensation as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of dependency	21,50,400-00	32,25,600-00 (18,000+40%x12x16x2/3)
2.	Loss of consortium	1,20,000-00	1,20,000-00
3.	Loss of estate	17,000-00	15,000-00
4.	Towards transportation and funeral expenses	17,000-00	15,000-00
5.	20% escalation (for two terms of three completed years on conventional heads)	-	30,000-00
	TOTAL	23,04,400-00	34,05,600-00

9. Accordingly, the claimants are entitled for enhanced compensation of Rs. 11,01,200/- (34,05,600 – 23,04,400) rounded off to **Rs.11,02,000/-**, with interest @ 6% per annum from the date of petition till realization.

In MFA No.1714/2024

10. Learned counsel for the claimant as well as Insurer, in unison submit that the injured claimant is continuing in Government Job. Hence, he is not entitled for



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any compensation under the future loss of income. That apart, his salary is also increased. However, the claimant is entitled for compensation under the head Pain and suffering, loss of future amenities, attendant charges, food and nourishment.

11. Considering the submissions of learned counsel for the respective parties, this Court proceeds to re-assess the compensation, which reads as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	40,000-00	80,000-00 (40,000+40,000)
2.	Medical Expenses	10,15,537-00	10,15,537-00
3.	Loss of income during laid up period	38,000-00	38,000-00
4.	Loss of future income	--	--
5.	Loss of future amenities and happiness	15,000-00	80,000-00 (15,000+65,000)
6.	Attendant, conveyance, food and nourishment charges	15,000-00	25,000-00 (15,000+10,000)
7.	Future medical expenses	20,000-00	20,000-00
	TOTAL	11,43,537-00	12,58,537-00



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12. Accordingly, the claimant is entitled for enhanced compensation of **Rs.1,15,000/-** (12,58,537 – 11,43,537), with interest @ 6% per annum from the date of petition till realization.

In MFA No.1860/2024

13. Learned counsel for the claimant as well as Insurer, in unison submit that in view of multiple injuries i.e., fractures and disability, the claimant would be entitled to enhancement of compensation. Mr.Gopal Krishna, learned counsel appearing for the claimant submits that disability is to be considered at 23% and 40% future prospectus to be added to existing income and compensation to be awarded. In contrast, learned counsel appearing for the Insurer Mr.H.S.Lingaraj, submits that since the disability is below 50%, there is no scope for adding 40% future prospectus, instead the same may be worked out in the percentage of disability.



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14. This Court having considered the submissions afore, find some force in the argument of Mr.Lingaraju. In that view of the matter, if disability is considered at 30% as against 35% stated by the Doctor without adding 40% future prospectus, the same would meet the ends of justice. In that view of the matter, this Court proceeds to re-assess the compensation as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	45,000-00	1,00,000-00 (45,000+55,000)
2.	Medical Expenses	20,56,595-00	20,56,595-00
3.	Loss of income during laid up period	24,000-00	37,500-00 (12,500x3)
4.	Loss of future income	3,88,800-00	6,75,000-00 (12,500x12x15x30%)
5.	Loss of future amenities and happiness	15,000-00	75,000-00 (15,000+60,000)
6.	Attendant, conveyance, food and nourishment charges	15,000-00	30,000-00 (15,000+15,000)
7.	Future medical expenses	40,000-00	40,000-00
	TOTAL	25,84,395-00	30,14,095-00

15. Accordingly, the claimant is entitled for enhanced compensation of Rs.4,29,700/- (30,14,095 -



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25,84,395) rounded off to **Rs.4,30,000/-**, with interest @ 6% per annum from the date of petition till realization.

16. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeals are ***allowed in part.***
- (ii) The Common Judgment and Award dated 13.06.2022, passed by the Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru (SCCH-25), in MVC Nos.2266/2019, 2267/2019 and 2268/2019 are modified and compensation in each claim petition is enhanced.
- (iii) The claimants in MVC No.2266/2019 are entitled for enhanced compensation of **Rs.11,02,000/-** along with interest at the rate of 6% per annum from the date of petition till realization.



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- (iv) The claimant in MVC No.2267/2019 is entitled for enhanced compensation of **Rs.1,15,000/-** along with interest at the rate of 6% per annum from the date of petition till realization.
- (v) The claimant in MVC No.2268/2019 is entitled for enhanced compensation of **Rs.4,30,000/-** along with interest at the rate of 6% per annum from the date of petition till realization.
- (vi) Respondent No.2 - Insurer is shall deposit the entire enhanced compensation along with interest stated supra in all the cases, after deducting interest for the delay period respectively, within six weeks from the date of receipt of certified copy of this order.
- (vii) Upon deposit, the entire amount shall be released in favor of the claimants in MFA



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Nos.1714/2024 and 1860/2024, after due identification.

- (viii) The apportionment and disbursement is as per the order passed by the Tribunal in MFA No.1645/2024.
- (ix) The Trial Court record, if any, secured shall be transmitted forthwith to the concerned Tribunal without causing any delay.
- (x) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 43
ct-vn