



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.4810 OF 2019(MV-I)

BETWEEN:

SRI. MUNIRAJU
S/O. SIDDANARASIAH,
AGED ABOUT 41 YEARS,
R/AT BEERAVARA,
LAKKENAHALLI,
MAGADI TALUK,
RAMANAGARA DISTRICT.

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

AND:

1. IFFCO-TOKIO GENERAL INSURANCE CO. LTD.,
REGIONAL OFFICE,
NO.8, III MAIN,
SHANTHI TOWERS,
V FLOOR, EAST TO NGF LAYOUT,
KASTURINAGAR,
BENGALURU-560 043,
REP. BY ITS MANAGER.
2. SMT. SUMITHRA N.,
W/O. MURALIDHARA,
NO.40, NEAR
ANJANEYA SWAMY TEMPLE,
ARCHKARU,
OLAGEREHALLI,

Digitally signed by
AASEEFA PARVEEN
Location: HIGH
COURT OF
KARNATAKA



K.S. TOWN,
BENGALURU-560 060.

...RESPONDENTS

(BY SRI. P. S. JAGADISH, ADVOCATE FOR R1;
R2-SERVICE OF NOTICE DISPENSED WITH, V/O. DATED
27.07.2023)

THIS MFA FILED U/S. 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 04.04.2019 PASSED IN MVC
NO.2607/2018 ON THE FILE OF THE XIX ADDITIONAL SMALL
CAUSE JUDGE, MACT, XLI ACMM, BENGALURU (SCCH-17),
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.P.S.Jagadish, learned counsel for respondent
No.1.

2. Being aggrieved by the sum that is awarded as
compensation by the Motor Accident Claims Tribunal,
Bengaluru through orders in MVC No.2607/2018 dated
04.04.2019, the claimant therein preferred this appeal.



3. Arguing on the merits of the matter, learned counsel for the appellant contended that appellant sustained multiple grievous injuries in the road traffic accident that occurred in the year 2018. Appellant produced the evidence of Pw.4 to establish the nature of injuries sustained, the treatment taken and the aspect of disability. Pw.4 clearly stated that the appellant suffers with 41% disability in respect of right lower limb and 22% in respect of whole body. Tribunal made a clear observation that the disability in respect of whole body can be quantified as 15%. However, while calculating the compensation which the appellant is entitled to receive towards loss of future earnings, Tribunal took the disability in respect of whole body as 10% and thereby awarded lower sum as compensation towards loss of future earnings. Learned counsel also stated that the accident occurred in the year 2018 and for the relevant period, Karnataka State Legal Services Authority is taking the notional income as Rs.12,500/- per month. However,



Tribunal took the notional income as Rs.11,000/- per month. Learned counsel thereby seeks to pass necessary orders.

4. The submission made by learned counsel for respondent No.1 on the other hand is that, Tribunal granted justifiable sum under all heads. However, considering the submission of learned counsel for the appellant, the notional income may be taken as Rs.12,500/- per month and thereby there may be marginal enhancement.

5. By all the evidence produced, appellant succeeded in establishing that due to the accident there was posterior dislocation of right hip, fracture of clavicle left side and multiple lacerated wounds on right shoulder and a dorsum of wrist. Appellant also established that he underwent close reduction, skin traction and suturing during the course of taking treatment as inpatient. He also established that he took treatment as inpatient for a period of 6 days. Tribunal at page No.17 of the impugned



order made an observation that the disability in respect of whole body can be quantified as 15%. However, Tribunal also made an observation that considering the avocation of Pw.1, it can be said that the disability affects his occupation to an extent of 10%. But considering the evidence of Pw.4, this Court is of the view that the disability in respect of whole body ought to have been taken as 15%. Thus taking the disability in respect of whole body as 15%, the notional income as Rs.12,500/- per month and applying the appropriate multiplier '13' as done by the Tribunal, the compensation which the appellant is entitled to receive towards loss of future earnings is Rs.2,92,500/- ($\text{Rs.12,500} \times 12 \times 13 \times 15\%$). The Tribunal held that appellant is entitled to a sum of Rs.1,71,600/- towards loss of future earnings. Therefore, the additional sum which the appellant is entitled to receive towards loss of future earnings is Rs.1,20,900/- ($\text{Rs.2,92,500} - \text{Rs.1,71,600}$).



6. Also considering the nature of injuries sustained which includes two grievous injuries, this Court is of the view that appellant could have taken bed rest at least for a period of 4 months. Thus loss of earnings during laid up period comes to Rs.50,000/- (Rs.12,500x4). But the Tribunal held that appellant is entitled to a sum of Rs.33,000/- only under the said head. Thus the enhancement will be Rs.17,000/- (Rs.50,000 - Rs.33,000).

7. The compensation granted by the Tribunal under all other heads is justifiable and therefore, the same requires no interference. Hence, the additional amount which the appellant is entitled to receive as compensation is Rs.1,37,900/- (Rs.1,20,900 + Rs.17,000).

8. 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, Bengaluru



through orders in MVC No.2607/2018 dated 04.04.2019 is enhanced by Rs.1,37,900/-.

- (iii) The enhanced sum shall carry interest at the rate of 6% p.a. 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 8(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