



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.7174 OF 2018(MV-I)

BETWEEN:

SRI VENKATESHA @ VENKATASHYAMAIAH D.,
S/O. DASAPPA,
AGED ABOUT 37 YEARS,
R/AT NO. 3,
BAIRAVANAGARA VILLAGE,
PURAVA HOBLI,
MADHUGIRI TALUK,
TUMKUR - 572 135.

...APPELLANT

(BY SMT. SUNITHA B.A., ADVOCATE)

AND:

1. MISS NILAMMA R.,
NO. 130, 1ST CROSS,
BAIRASANDRA,
BANGALORE - 93.
2. THE MANAGER
LIBERTY VIDECON GENERAL
INSURANCE COMPANY LTD,
OFFICE NO. 1, ALYSSA, 1ST FLOOR,
REAR PORTION, OLD NO. 28,
NEW NO. 23, RICHMOND ROAD,
BANGALORE - 560025.

...RESPONDENTS

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



(BY SRI. RAVI S. SAMPRATHI, ADVOCATE FOR R2;
VIDE ORDER DATED 13.11.2019, NOTICE TO R1 IS DISPENSED
WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 21.06.2018 PASSED IN MVC
NO.1729/2017 ON THE FILE OF THE XXI ACMM & XXIII ASCJ,
BENGALURU, [SCCH-25], 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 Ms.Sunitha who represents Sri.Latur Suresh
Mahalingappa learned counsel on record for the appellant
as well as Sri.Ravi S Samprathi learned counsel for
respondent No.2.

2. Projecting that he is entitled to a higher sum as
compensation, this appeal is filed by the claimant in MVC
No.1729/2017 which stood before the Motor Accident



Claims Tribunal, Bengaluru and was disposed of through order dated 21.06.2018.

3. Making her submission on the merits of the matter, learned counsel for the appellant contends that appellant sustained grievous injuries in a road traffic accident and he took treatment as inpatient for 8 days. PW3 gave evidence to the effect that the appellant suffers with 15% permanent physical disability in respect of fractured part of the body and 5% in respect of whole body. However, Tribunal took the disability in respect of whole body as 4% only. Learned counsel also states that appellant was working as stone cutter as on the date of accident and was earning Rs.30,000/- per month. But, Tribunal took the notional income of the appellant as Rs.8,000/- per month. Learned counsel states that the accident occurred in the year 2016 and for the relevant period the Karnataka State Legal Services Authority is taking the notional income as Rs.9,500/- for settlement of the claims and at least said figure should have been



adopted by the Tribunal. Learned counsel also contends that Tribunal granted compensation of Rs.8,000/- only for the loss which appellant financially sustained during laid up period and the amount thus awarded is too meager. Learned counsel there by seeks for enhancement in compensation.

4. Per contra, learned counsel for respondent No.2 submits that justifiable sum is awarded by the Tribunal and thus, there are no grounds for further enhancement.

5. By all the evidence produced, appellant succeeded in establishing that he sustained two simple injuries i.e., laceration over scalp and abrasion on the left hand. He also established that he sustained fracture of mandible which is grievous in nature. Thus, appellant sustained one grievous injury and two simple injuries. He also produced evidence to show that he took treatment as inpatient from 16.12.2016. to 23.12.2016 and during the course of treatment he went ORIF. Considering the totality



of evidence produced, Tribunal took the disability with respect to whole body as 4% which requires no interference.

6. Appellant failed to produce any proof in respect of his occupation and earnings as on the date of accident. However, considering the submission that is made by learned counsel for the appellant, notional income of the appellant is required to be taken as Rs.9,500/- per month. Thus, on taking the notional income as Rs.9,500/- per month and without disturbing other parameters i.e., application of appropriate multiplier '15' and disability in respect of whole body as 4%, the compensation which the appellant is entitled to receive towards loss of future earnings comes to Rs.68,400/- (Rs.9,500/-X12X15X4%). Tribunal granted a sum of Rs.57,600/- only towards loss of future earnings. Thus, the additional sum which the appellant is entitled to receive towards loss of future earnings is Rs.10,800/- (Rs.68,400/- - Rs.57,600/-).



7. Having considered the nature of injuries sustained and the treatment taken, this Court is of the view that appellant would have taken bed rest at least for a period of three months. Thus, loss of earnings during laid up period comes to Rs.28,500/- (Rs.9,500/-X3). Tribunal awarded a sum of Rs.8,000/- only under the said head. Thus, additional sum which the appellant is entitled to receive towards loss of income during laid up period is Rs.20,500/- (Rs.28,500/- - Rs.8,000/-).

8. Compensation granted by the Tribunal under all other heads is justifiable and therefore, no interference is required. Thus, total sum which the appellant is entitled to receive in addition to the amount that is awarded by the Tribunal is Rs.31,300/- (Rs.10,800/-+Rs.20,500/-). 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.1729/2017 dated 21.06.2018
is enhanced by Rs.31,300/-.

- (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.2 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

DS
CT:TSM
List No.: 1 Sl No.: 13