



CNR: KAHC010180332016

NC: 2026:KHC:40277
MFA No. 193 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 193 OF 2016 (MV-I)

BETWEEN:

MANJAPPA @ MANJANNA
S/O VEERABHADRAPPA
AGED ABOUT 40 YEARS,
NO.63, UDAGATTA,
JAGALUR TALUK - 577 528
DAVANGERE DISTRICT.

ALSO AT C/O N.GANESH
NO.7, 26TH BLOCK,
NANDI SANKIRNA,
POLICE QUARTERS (CAR SOUTH)
ADUGODI, BENGALURU - 560 030.

...APPELLANT

Digitally signed
by
PADMASHREE
SHEKHAR DESAI

Location: High
Court of
Karnataka

(BY SRI. SHANTESH AVAJI, ADVOCATE)

AND:

1. MR. MOHAMED NIYAZ
S/O MOHAMED SHERIFF
AGED ABOUT 49 YEARS,
RESIDING AT NO.20
SRI KRISHNA TEMPLE STREET,
DODDABOMMASANDRA
VIDHYARANYAPURA,
BENGALURU - 560 097.
(RC HOLDER OF MOTOR CYCLE



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BEARING NO. KA-04-X-5672)

2. HANUMANTHAPPA
S/O LATE KRISHNAPPA
AGED ABOUT 40 YEARS,
RESIDING AT NO.11, 3RD CROSS,
THIMMAIAH LAYOUT, SINGAPURA,
VALMIKINAGAR, JALAHALLI EAST,
BENGALURU - 560 097.
(OWNER OF THE MOTOR CYCLE
BEARING NO. KA-04-X-5672)

...RESPONDENTS

(BY SRI. B.M. CHANDRASHEKAR, ADVOCATE FOR R2(ABSENT);
VIDE ORDER DATED 15.09.2023, NOTICE TO R1 IS HELD
SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 29.7.2015 PASSED IN MVC
NO.6409/2012 ON THE FILE OF THE 13TH ADDITIONAL SMALL
CAUSES JUDGE, MEMBER, MACT, COURT OF SMALL CAUSES,
BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



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ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the common judgment and award dated 29.07.2015 passed in MVC Nos.8230/2011 and 6409/2012. However, MFA No.193/2016 is filed against the award passed in MVC No.6409/2012 by the XIII Additional Small Cause Judge & Member MACT, Court of Small Causes, Bengaluru, seeking enhancement of the compensation.

2. The petitioner/injured claimant met with an accident on 20.11.2010 and filed the claim petition before the Tribunal for compensation of Rs.15,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.2,30,000/- with interest at the rate of 8% p.a., from the date of filing the petition till the date of realization.

3. Being aggrieved by the said order, he preferred this appeal and mainly contended that the Tribunal granted meagre amounts under the other heads and it is



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also observed that the doctor has not examined. As such, no amount is granted under the head future loss of income. Therefore, requested for enhancement of the compensation.

4. Heard the arguments of the learned counsel for the appellant yesterday and today i.e., 31.07.2026 the matter was posted for the arguments of respondents. But none appeared on behalf of the respondents. Therefore, it is held that there are no arguments on behalf of the respondents and the matter is taken up for dictation of orders.

5. Though it is stated that the petitioner/injured was an agriculturist earning Rs.6,000/- per month, he has not filed any income proof. As he met with an accident in the year 2010, his notional income is to be taken as Rs.5,500/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. The petitioner/injured was aged 42 years and the applicable



multiplier is '14'. The petitioner filed Ex.R.6-wound certificate, Ex.R.9-discharge summaries and Ex.R.11-prescriptions, but not examined the doctor. As per the Ex.R6-wound certificate, the petitioner sustained Type II compound fracture of both bones of right leg. He was treated surgically in the form of ORIF and external fixation is applied on 21.11.2010 totally he was in the hospital for a period of 17 days. As per the discharge summary, the petitioner was admitted in the hospital on 23.05.2011 and was discharged on 27.05.2011 and diagnosed for fracture of both bones of right leg and external fixator was removed during the said period. Ex.R.8 are the x-rays, he has suffered fracture of both bones of right leg and toe. He was inpatient for 17 days in different spells. Considering his age, occupation, nature of injuries, period of hospitalization and other relevant factors, this court finds that it is just and reasonable to grant an amount of **Rs.60,000/-** towards pain and suffering. The Tribunal already granted **Rs.50,000/-** towards loss of amenities,



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Rs.30,000/- towards attendant charges, diet, conveyance charges, **Rs.80,000/-** towards medical expenses and the said amounts are confirmed. The Petitioner stated that he was doing agricultural work and also filed RTC under Ex.R.16. Considering the same, the Tribunal has taken his income as Rs.6,000/- per month. This Court finds no reason to interfere with the said order. The Tribunal also granted **Rs.30,000/-** towards loss of income during laid up period and it is confirmed.

6. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	60,000/-
2.	Towards loss of amenities	50,000/-
3.	Towards attendant charges, diet and conveyance charges	30,000/-
4.	Towards loss of income during laid up period	30,000/-
5.	Towards medical expenses	80,000/-
	Total	2,50,000/-



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7. Hence, the appellant-claimant is entitled for a total compensation of Rs.2,50,000/- along with interest at the rate of 6% p.a.

8. The manner of accident shows that on 20.11.20210, while rider of a motorcycle bearing Reg.No.KA-04-X-5672 was proceeding from Tamalehalli Village, the rider of Hero Honda Motorcycle (appellant herein) bearing Reg No.KA-27-K-4677, came in a rash and negligent manner with high speed and dashed the motorcycle of the deceased. It is observed by the Tribunal that as per Ex.R.14-indemnity bond executed by respondent No.3 in favour of respondent No.1, it is stated that respondent No.1 is Mohamed Niyaz, who was RC owner and respondent No.3 is the present owner. Respondent No.2 stated that he purchased vehicle four years prior to the accident. But still the ownership is not transferred in his name. Therefore, the Tribunal rightly stated that both of them are jointly and severally liable to



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pay the compensation. But so far they have not deposited any amount.

9. In the result, the following order is passed:

ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 29.07.2015 passed in MVC No.6409/2012 on the file of the XIII Additional Small Cause Judge & Member MACT, Court of Small Causes, Bengaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.2,50,000/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.2,30,000/- granted by the tribunal.
- iv. The respondent Nos.1 and 2 are directed to deposit the compensation amount equally



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along with the interest at the rate of 6%
within one month from the date of this
order.

- v. On such deposit, petitioner is permitted to
withdraw the entire amount along with
interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 30