



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 1776 OF 2016 (MV-I)

BETWEEN:

SRI. SRINIVASALU S M
S/O. S.V. MUNISWAMY SHETTY,
AGED ABOUT 40 YEARS,
R/AT NO. 6, "A" STREET,
THIMMAIAH ROAD,
BHARATHINAGARA,
BENGALURU-560 051.

...APPELLANT

(BY SRI. VASANTHAPPA.,ADVOCATE)

AND:

1. THE ORIENTAL INSURANCE CO. LTD.,
YETHIRAJA MUTT BUILDING,
1ST FLOOR, NO.199,
2ND MAIN ROAD, MALLESHWARAM,
BANGALORE-560 005.

2. M/S. NIKHIL ENTERPRISES
NO.1/1, GOVER ROAD,
COX TOWN, BANGALORE-560 005.

...RESPONDENTS

(BY SRI. ASHOK N PATIL, ADVOCATE FOR R1
R2 IS SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 20.11.2014 PASSED IN MVC
NO.148/2011 ON THE FILE OF THE II ADDITIONAL SMALL
CAUSES JUDGE AND XXVIII ACMM, BENGALURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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signed by
NIRMALA
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Location:
HIGH COURT
OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

The present appeal is filed by the claimant calling in question the judgment and award dated 20.11.2014 passed by the II Additional Small Causes Judge and XXVIII ACMM, Bengaluru,¹ in MVC No.148/2011, whereunder the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹2,71,284/- together with interest at 6% pa.

2. Learned counsel for the claimant assails the finding of the Tribunal on the ground of liability and quantum of compensation.

Re. Liability:

3. The Tribunal has exonerated the insurer from payment of compensation on the ground that the driver of the insured vehicle was not licenced to drive a Light Motor Vehicle (LMV) transport vehicle.

¹ hereinafter referred to as 'Tribunal'



4. It is forthcoming from the driving licence (Ex.R2) that the driver was licenced to drive LMV/NT. It is forthcoming from the Registration Certificate (Ex.R3) that the gross weight of the vehicle was 4600 kgs. Hence, having regard to the judgment of the Supreme Court in the case of **MUKUND DEWANGAN VS ORIENTAL INSURANCE COMPANY LTD.²**, the insurer is liable to pay the compensation awarded. The finding of the Tribunal exonerating the insurer from payment of compensation is erroneous and liable to be interfered with.

Re. Quantum:

5. The claimant was aged 35 years as on the date of the accident i.e., as on 31.07.2010. The claimant was stated to be running a Bangle and Fancy shop. However, no documents have been produced to demonstrate his income. The Tribunal assessed the income of the claimant at ₹5,000/- pm. Having regard to the date of the accident, the notional income of the claimant is reassessed as ₹5,500/- pm.

6. It is forthcoming from the wound certificates (Exs.P2 and P13), discharge summaries (Ex.P5 and P14), the

² (2017)14 SCC 663



testimony of the doctor (PW.2) and the other medical documents on record that the claimant sustained medial malleolus and lateral malleolai fracture of right ankle. The claimant was treated as an inpatient on various dates for a total period of 14 days.

7. Having regard to the aforementioned, the compensation is reassessed as follows:

i. The compensation awarded by the Tribunal towards pain and suffering at ₹50,000/- and conveyance, nourishment, food and attending charges at ₹10,500/- is just and proper;

ii. The Tribunal has awarded medical expenses in a sum of ₹55,984/- as per the actual bills, which is just and proper and the same is rounded off as ₹56,000/-;

iii. The period of treatment is taken as 3 months and the loss of earning during laid up period is reassessed as (₹5,500/-x3) ₹16,500/-;

iv. Having regard to the nature of injuries sustained, the period of treatment and disability, the loss of



amenities is reassessed as ₹25,000/- as against ₹15,000/- awarded by the Tribunal;

v. Loss of future earning is reassessed as (₹5,500/- x12x16x13) ₹1,37,280/- as against ₹1,24,800/- awarded by the Tribunal.

8. Accordingly, the total compensation under various heads is reassessed as follows:

Sl.No.	Heads	Amount awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1.	Injury, pain and suffering	50000.00	50000.00
2.	Loss of earning during medical treatment	15000.00	16500.00
3.	Medical expenses	55984.00	56000.00
4.	Loss of future earning	124800.00	137280.00
5.	Loss of amenities of life	15000.00	25000.00
6.	Conveyance, nourishment, food and attending charges	10500.00	10500.00
	Total	271284.00	295280.00

9. Hence, the claimant is entitled for enhanced compensation of (₹2,95,280/- – ₹2,71,284/-) ₹23,996/- rounded off to ₹24,000/-.



10. Taking judicial notice of the interest awarded towards Fixed Deposits, it is just and proper to award interest on the enhanced compensation at 7% p.a.

11. In view of the aforementioned, the following:

ORDER

- i) The appeal is allowed in part;
- ii) The judgment and award dated 20.11.2014 passed by the II Additional Small Causes Judge and XXVIII ACMM, Bengaluru, in MVC No.148/2011, is modified to the extent ordered herein. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) The claimant is entitled to enhanced compensation of ₹24,000/- with interest at 7% per annum from the date of petition till its realization, in addition to the compensation awarded by the Tribunal;
- iv) Respondent No.1 -Insurer shall deposit the compensation awarded by the Tribunal, as also the enhanced compensation as ordered herein together with accrued interest within a period of six weeks;
- v) The Registry to draw the modified award accordingly;



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- vi) Records be transmitted to the Tribunal forthwith;
- vii) No costs.

Sd/-
(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 10