



NC: 2026:KHC:50779
MFA No. 5716 of 2019

CNR: KAHC010197132019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.5716 OF 2019(MV-I)

BETWEEN:

GURUPRASAD B K
@ GURUPRASAD B R
S/O RUDRAPPA
AGED ABOUT 33 YEARS
R/O LIG - 540,
HUDCO COLONY
VINOBHANAGARA
SHIVAMOGGA DISTRICT - 577 201.

...APPELLANT

(BY SRI UMESH MOOLIMANI, ADVOCATE FOR
SRI S V PRAKASH, ADVOCATE)

AND:

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

1. G.SRIDHAR
S/O GANESHAPPA
AGED ABOUT 27 YEARS
EMPLOYEE IN GRAMEENA
MICRO FINANCE
R/O BANNURU VILLAGE
SHIKARIPURA TALUK - 577 427
DRIVER OF BIKE BEARING
NO.KA-18-W-0247.
2. MADHU
S/O PRAKASHA
AGED ABOUT 29 YEARS
R/O DEVANGA STREET,
LINGADAHALLI,



NC: 2026:KHC:50779
MFA No. 5716 of 2019

CNR: KAHC010197132019

THARIKERE TALUK - 577 228
CHIKKAMAGALUR DISTRICT
OWNER OF BIKE BEARING
NO.KA-18-W-0247.

...RESPONDENTS

(RESPONDENTS - NOTICE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 16.08.2018 PASSED ON MVC NO.566/2016 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND AMACT-8, SHIVAMOGGA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL IS COMING ON FOR *DISMISSAL*, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 16.08.2018 passed by II Addl.Senior Civil Judge & Addl.MACT-8, Shivamogga in MVC no.566/2016, this appeal is filed.

2. Sri Umesh Moolimani, learned counsel appearing for Sri SV Prakash, Advocate for appellant submitted that this appeal is by claimant seeking enhancement of compensation.



CNR: KAHC010197132019

3. Brief facts leading to this appeal as stated are that at 9:30 pm on 31.01.2016, when claimant was riding motorcycle no.KA-1-10-2898 and took right turn to enter Kuvempu Road, Shivamogga, rider of another motorcycle no.KA-18-W-0247 rode it in rash and negligent manner and it dashed against claimant's motorcycle causing grievous injuries. Despite treatment at Mc.Gann and Metro Hospitals, Shivamogga, he did not recover fully and sustained permanent physical disability and loss of earning capacity. Therefore, he filed claim petition under Section 166 of Motor Vehicle Act, 1988 (**MVA**) against rider and owner of motorcycle.

4. On appearance, claim petition was opposed on all grounds including negligence and liability.

5. Based on pleadings, Tribunal framed following:

ISSUES:

- 1. Whether the petitioner proves that he has sustained injuries in the accident that occurred on 31-01-2016 at about 9.30 pm at Near Helipad Circle, Shivamogga - Sagar Raod, Shivamogga due to rash and negligent driving of the motorcycle bearing Reg. No. KA-18-W-0247 by its driver 1st respondent ?*
- 2. Whether the petitioner is entitled for compensation as prayed for ? If yes, what is the quantum of amount and who is liable to pay ?*



CNR: KAHC010197132019

NC: 2026:KHC:50779
MFA No. 5716 of 2019

3. Whether the petitioner is entitled for the relief claimed ?

4. What order or award?

6. To establish contentions, claimant examined himself as PW.1 and got marked Exs.P1 and 32. Respondents did not lead evidence.

7. On consideration, Tribunal answered issue no.1 in affirmative, issues no.2 and 3 partly in affirmative and issue no.4 in favour of claimant, assessing total compensation of Rs.1,71,000/- and holding respondent no.2 liable to pay same with interest at 6% p.a., from date of claim petition till date of deposit. Dissatisfied with quantum, this appeal is filed.

8. It was submitted, claimant was aged 30 years, working as Medical Representative and earning Rs.40,000/- per month. He sustained fracture of left mastoid temporal bone and fracture of middle 1/3rd of left clavicle, apart from other injuries. Despite same, Tribunal did not award any compensation towards future loss of income and compensation awarded under other heads was on lower side and therefore,



CNR: KAHC010197132019

impugned award warranted interference and on above grounds, sought for allowing appeal.

9. Respondents are served but unrepresented.

10. Heard learned counsel, perused impugned award and record.

11. From above, occurrence of accident due to negligence of rider of vehicle, claimant sustaining injuries and being entitled for compensation are not in dispute. Appeal is by claimant for enhancement of compensation. Therefore, point that would arise for consideration is:

Whether claimant is entitled for enhancement of compensation as prayed?

Same is answered *partly in affirmative* for following reasons:

12. Perusal of impugned award reveals that based on salary certificate at Ex.P30, Tribunal determined age of claimant as 30 years and his monthly gross salary as Rs.42,500/-. Claimant was working as Senior Business Manager



CNR: KAHC010197132019

in Retro Lab Sciences, Bangalore. As per Ex.P7 - wound certificate and treatment records, claimant sustained fracture of left mastoid temporal bone and fracture of middle 1/3rd of left clavicle. Claimant has sustained one grievous fracture and one additional fracture. Normally for grievous fracture, compensation of Rs.40,000/- is awarded for additional fracture Rs.10,000/- is added. Therefore, claimant will be entitled for **Rs.50,000/-** towards 'pain and suffering'. Tribunal has awarded **Rs.70,866/-** towards full reimbursement of medical bills. Therefore, there is no scope for enhancement. Tribunal has awarded **Rs.20,000/-** towards attendant charges and other incidental expenses which appears justified considering total extent of in-patient treatment of 19 days. However, Tribunal has awarded only Rs.40,000/- towards loss of income during laid-up period. Normally, fractures take about 3 months to heal. Since claimant sustained not only fracture of clavicle but also head injury and underwent in-patient treatment for 19 days, it is appropriate to consider 4 months period as laid-up. Therefore, claimant would be entitled for **Rs.1,60,000/-** towards 'loss of income during laid-up period'. Though compensation towards future loss of income is claimed, there is



CNR: KAHC010197132019

no material to substantiate that claimant lost employment due to injuries sustained. Claimant has not examined any Doctor. Ex.P29 - Medical certificate or Ex.P8 - discharge summary do not refer to disability. Under those circumstances, denial of compensation towards future loss of income is justified. Consequently, claimant would not be entitled to compensation towards loss of amenities. Hence, claimant would be entitled for enhanced compensation of **Rs.3,00,866/-** with interest at 6% p.a. from date of order till date of deposit.

13. Consequently, following:

ORDER

- i. Appeal is ***allowed in part***;
- ii. Judgment and award dated 16.08.2018 passed by II Addl.Senior Civil Judge & Addl.MACT-8, Shivamogga in MVC no.566/2016, is *modified*.
- iii. Claimant would be entitled for enhanced compensation of **Rs.3,00,866/-** with interest at 6% p.a. from date of claim petition till date of deposit.



NC: 2026:KHC:50779
MFA No. 5716 of 2019

CNR: KAHC010197132019

- iv. Respondent no.2 is directed to deposit
entire compensation within eight weeks;
- v. On deposit, entire compensation is
ordered to be released to claimant.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV
List No.: 1 Sl No.: 19