



CNR: KAHC010203732026

NC: 2026:KHC:49964
MFA No. 2129 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 2129 OF 2026

(MV-I)

BETWEEN:

SRI MANJESHA G
S/O LATE GOVARDHAN
AGED ABOUT 29 YEARS
R/AT No.380, 12TH CROSS, 7TH MAIN
KAVERINAGAR, NEAR MASJID
BANASHANKARI II STAGE
BENGALURU- 560 070.

...APPELLANT

(BY SRI. UDAYA KUMAR R L, ADVOCATE)

AND:

1. SRI MANJESH GOWDA K
S/O KRISHNAMURTHY.K
MAJOR, R/AT No.23, 1ST CROSS
GANESH TEMPLE, DODDAKALLASANDRA
BENGALURU-560 062.
2. THE MANAGER
UNITED INDIA INSURANCE CO, LTD
REGIONAL OFFICE, 5TH, 76TH FLOOR
KARISHI BHAVAN, HUDSON CIRCLE

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI

Location: HIGH
COURT OF
KARNATAKA



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NRUPATHUNGA ROAD
BENGALURU-560 001.

...RESPONDENTS

(BY SRI RAVISH BENNI, ADVOCATE FOR R2
V/O DTD. 01.07.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:28.01.2025 PASSED IN MVC No.5568/2021 ON THE FILE OF THE XX ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES MEMBER, MACT, BENGALURU (SCCH-22), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking enhancement of compensation awarded in judgment and award dated 28.01.2025 passed in MVC No.5568/2021 by the XX Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-22).

2. The appellant made a claim petition praying to award compensation for the injuries sustained by him in a road traffic accident that occurred on 31.10.2021. The



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Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards loss of income on account of disability	2,75,400/-
02.	Towards pain and sufferings	50,000/-
03.	Towards loss of amenities	30,000/-
04.	Towards food, nourishment, conveyance and attendant charges	4,000/-
05.	Towards loss of income during laid up period and rest period	30,000/-
06.	Towards medical bills	1,16,594/-
	Total	5,05,994/-

3. The Tribunal held that the claimant has contributed to the accident and there is contributory negligence at 25% and directed respondent No.2/insurer to deposit 75% of Rs.5,05,994/- with interest before the Tribunal. The claimant challenging the said contributory negligence attributed to him and also seeking enhancement of compensation has filed the present appeal.



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4. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

5. The accident occurred on 31.10.2021 at about 11.30 p.m. The Tribunal noting that the accident occurred near metro station and there was street lights and the claimant ought to have seen parked goods vehicle and on that basis assessed his contributory negligence at 25%.

6. Learned counsel for the appellant would contend that there was no indication of parking light and the charge sheet is not filed against the claimant. Therefore, the entire negligence is on the part of the driver of Tata Goods vehicle.

7. Ex.P3 is the charge sheet and it is filed for the offence under Sections 283, 338 of IPC and Section 134(A & B) r/w 187 of M.V.Act. The said charge sheet has not been filed against the claimant who is the rider of the electric scooter. In Ex.P5 – Mahazar it is noted that the driver of Tata Goods Vehicle has parked his vehicle without



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taking any precautionary measures i.e. without switching on the indicators has parked his vehicle. Ex.P4 – Sketch indicate that the Tata Goods vehicle has been parked on the road. Considering the said aspect the entire negligence is on the part of the driver of the Tata Goods vehicle. The Tribunal has erred in holding that the claimant has contributed to the accident and assessed his contributory negligence at 25%. The said finding of the Tribunal requires to be set-aside and it is set-aside.

8. The claimant has suffered a cut lacerated wound measuring 5 x 10 cm on his left temporal region, and the CT scan has revealed a depressed fracture at the wound site with pneumocephalus of the left fronto temporal bone. PW.3 is the Doctor who has assessed neurological disability of the claimant. PW.3 is not a treated Doctor. PW.3 has assessed neurological disability based on the Neuropsychological assessment report prepared by Dr.Pratibha Sharan. The said Doctor has not been examined. PW.3 has stated that the claimant has



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sustained whole body disability at 28%. The Tribunal has taken disability at 9%. The claimant himself has been examined as PW.1. Considering the said aspect 1/3rd of the disability stated by PW.3 is to be taken to the whole body. The disability stated by PW.3 is 28% and 1/3rd of the same is 9.33%. Therefore, the disability is to be taken at 10%. The Tribunal has rightly taken the notional income of the claimant at Rs.15,000/- p.m. and rightly applied multiplier '17' since the claimant is aged 25 years. Therefore, the loss of future income is calculated as under:

$$\text{Rs.15,000} \times 12 \times 17 \times 10\% = \text{Rs.3,06,000/-}$$

9. Considering the injuries noted supra, the compensation awarded for pain and suffering in a sum of Rs.50,000/- is enhanced to Rs.60,000/-, loss of amenities in a sum of Rs.30,000/- is enhanced to Rs.40,000/-. The claimant has been admitted in the hospital for four days. Considering the same the Tribunal has awarded Rs.4,000/- towards food, nourishment, conveyance and attendant



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charges and Rs.30,000/- towards loss of income during laid up period and the same is just and proper. The Tribunal has rightly awarded medical expenses.

10. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	60,000/-
02.	Loss of amenities	40,000/-
03.	Food, nourishment, conveyance and attendant charges	4,000/-
04.	Loss of income during laid up period	30,000/-
05.	Medical expenses	1,16,594/-
06.	Loss of future income	3,06,000/-
	Total	5,56,594/-

11. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,56,594/- with interest @ 6% p.a. from the date of petition till realization. Claimant is not entitled to interest for delay period of 304 days in filing the appeal as per order dated 15.09.2026 passed on I.A.1/2026. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.



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12. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The finding of the Tribunal that claimant has contributed to the accident and assessing the contributory negligence at 25% by the Tribunal is set-aside.
- iii) The appellant/claimant is entitled to total compensation of Rs.5,56,594/- with interest @ 6% p.a. from the date of petition till realization.
- iv) The claimant is not entitled to interest for the delay period of 304 days in filing the appeal.
- v) Respondent No.2/insurer shall deposit the compensation with interest before the Tribunal within a period of six weeks from this day.
- vi) Appellant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 19
Ct.sm