



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 3045 OF 2023 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4372 OF 2023 (MV-I)

IN MFA No. 3045/2023

BETWEEN:

1. THE DIVISIONAL MANAGER,
UNIVERSAL SOMPO GIC LTD
NO.7/3, KUD TOWERS, 2ND FLOOR
OLD MADRAS ROAD,
INDIRANAGAR,
BANGALORE – 38

NOW REP BY ITS
THE MANAGER
UNIVERSAL SOMPO GIC LTD
4TH FLOOR, KVV SAMRAT
217/A, 3RD MAIN
OUTER RING ROAD,
KASTURI NAGAR,
BANGALORE – 560 043

...APPELLANT

(BY SRI. PRADEEP.B.,ADVOCATE)

AND:

1. RAMAKRISHNA. I. C.
S/O LATE I A CHENGAPPA

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



AGED ABOUT 61 YEARS
R/A NO.8, 15TH A CROSS
BHUVANESHWARINAGAR
HEBBAL KEMPAPURA
BANGALORE - 24

2. KEERTHI G.V.,
S/O VENKATESH GOWDA G K
NO.10/1, 4TH CROSS
NEELAKANTESHWARA TEMPLE
SANJIVININAGAR,
HEGGANAHALLI,
BANGALORE - 91

...RESPONDENTS

(BY SRI. A.S.GIRISH, ADVOCATE FOR R1;
V/C/O DATED 27.11.20263, NOTICE TO R2 IS DISPENSED
WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.01.2023 PASSED IN MVC
NO.1688/2020 ON THE FILE OF THE VII ADDITIONAL SMALL
CAUSES JUDGE AND ACMM, MEMBER, MACT-3, COURT OF
SMALL CAUSES, BENGALURU, AWARDING COMPENSATION
OF RS. 6,59,089/- WITH INTEREST AT 6 PERCENT P.A.

IN MFA NO. 4372/2023

BETWEEN:

SRI. RAMAKRISHNA I.C.,
S/O LATE. I.A. CHENAGAPPA
AGED ABOUT 61 YEARS
RESIDING AT NO8
15TH A CROSS
BHUVANESHWARINAGAR
HEBBAL KEMPAPURA
BENGALURU - 560 024

...APPELLANT

(BY SRI. A. S. GIRISH, ADVOCATE)



AND:

1. THE MANAGER,
UNIVERSAL SOMPO GENERAL INSURANCE CO. LTD.,
NO.7/3 KUD TOWERS
2ND FLOOR, OLD MADRAS ROAD,
INDIRANAGAR,
BENGALRU- 38
(INSURER OF OFFENDING VEHICLE
MARUTHI SWIFT CAR BEARING NO.KA-04-AB-0604)
2. MR. KEERTHI G V
S/O VENKATESH GOWDA G K
MAJOR NO.100/1,
4TH CROSS,
NEELAKANTESHWARA TEMPLE
SANJIVININAGAR
HEGGANAHALLI
BENGALURU – 560 091

...RESPONDENTS

(BY SRI. B.PRADEEP, ADVOCATE FOR R1
V/C/O DATED 11.08.2023, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.01.2023 PASSED IN MVC
NO.1688/2020 ON THE FILE OF THE VII ADDITIONAL SCJ AND
ACMM, MEMBER, MACT-3, BENGALURU, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION BARRED BY TIME.

THESE APPEALS, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

These two appeals are directed against judgment and award dated 02.01.2023 passed in MVC No.1688/2020 by the Motor Accident Claims Tribunal and Small Causes Court at Bengaluru (for short "Tribunal") whereby the Tribunal partly allowed the claim petition filed by the claimants by awarding compensation of Rs.6,59,089/-.

2. The factual matrix of the case are that:

On 13.03.2020 at about 8.00 a.m., when the claimant was driving the car bearing registration No.KA-50/N-5271, when he reached near Yantaganahalli hospital, a Maruthi Swift Car bearing No.KA-04/AB-0604 came from the opposite direction and dashed against the car of the claimant. Due to which, the claimant sustained grievous injuries and he got admitted to Swastya hospital and thereafter shifted to Sagar Hospital and admitted as inpatient. The jurisdictional police also registered FIR and



charge sheet against the driver of the offending car i.e., Maruthi Swift Car bearing registration No.KA-04/AB-0640. Subsequently, the claimant filed a claim petition claiming compensation for the injuries he had sustained in the accident.

3. The Tribunal on assessment of oral and documentary evidence placed before it, partly allowed the claim petition by awarding compensation of Rs.6,59,089/- as stated supra.

4. Being dissatisfied with the quantum of compensation, the claimant filed MFA No.4372/2023 seeking enhancement of compensation whereas the Insurance Company has filed MFA No.3045/2023 against the impugned judgment and award on the ground that the Tribunal has not properly assessed the income of the claimant and awarded exorbitant compensation, as such, both the appeals are taken up together for disposal.



5. Heard learned counsel for the appellant/Insurance Company Sri.Pradeep B and learned counsel Sri.A.S.Girish for respondent No.1/claimant.

6. Apart from urging several contentions, learned counsel for the Insurance Company primarily contended that the Tribunal committed grave error by considering the income of the claimant at Rs.45,000/- p.m. According to him, though the claimant has stated that he was Proprietor of Oxizone, Hebbal and earning Rs.45,000/- p.m., there is no corroborative evidence to prove the same. Further, even after the accident, he continued the Proprietorship, as such, the compensation awarded towards loss of future income is not proper. He also contended that the Tribunal awarded compensation on other heads on higher side. Accordingly, he prays for allow the appeal filed by the Insurance Company by dismissing the appeal filed by the claimant.



7. Per contra, learned counsel for the claimant contended that the Tribunal grossly erred while awarding compensation on all heads, like pain and suffering; medical expenses; loss of amenities; attendant charges and other heads. Though the claimant sustained grievous injuries and P.W.5/the Doctor has categorically deposed that he has sustained 31% disability of particular limb and 10% disability to the whole body, by relying on Ex.P42 and Ex.P43 medical report, the Tribunal erred in not awarding any compensation towards loss of income due to disability. Accordingly, he prays for enhancement of compensation by dismissing the appeal filed by the Insurance Company.

8. We have given our anxious consideration to submissions of the learned counsel for both the parties and also perused the entire evidence on record including the impugned judgment and award.

9. As could be gathered from the records, the occurrence of the accident in question, coverage of



insurance policy to the offending car are not in dispute. In the appeal filed by the Insurance Company, the only contention of the learned counsel for the Insurance Company is that the Tribunal has wrongly awarded compensation on the head of future loss of income even though the claimant is continued his Proprietorship Firm.

10. On perusal of the records, the claimant was running a Proprietorship concerned in the name and style as "Oxizone". He has placed Ex.P32 - his Income Tax Returns and claimed that he was earning a sum of Rs.4,50,000/- p.a. Accordingly, the Tribunal has rightly considered the income of the claimant at Rs.45,000/- p.m. In the cross-examination of claimant/P.W.4, a suggestion was made to him by the Insurance Company that his Proprietorship Firm was not closed, he denied the same. Learned counsel for the claimant produced the GST Surrender Certificate along with I.A. which depicts that in the year 2023, Proprietorship Firm of the claimant was closed. In such circumstance, we are of the considered



view that the Tribunal has rightly assessed the income of the claimant/injured at Rs.45,000/- p.m. As such, the compensation awarded on that head cannot be disturbed. Thus, on the head of loss of future income due to disability is rightly awarded by the Tribunal.

11. The accident is of the year 2020 and the injured was aged about 58 years and appropriate multiplier would be '9'. Since the Doctor-P.W.5 has issued Certificates at Ex.P42 and Ex.P43, showing disability of 10% to the whole body and 31% to a particular limb. In such circumstances, the Tribunal is justified in assessing the disability of 10% to the whole body while awarding compensation under the head loss of future income due to disability. Hence, the claimant is entitled for compensation on the head loss of income due to disability as follows:

$$45000 \times 12 \times 9 \times 10\% = \mathbf{4,86,000/-}$$

12. As far as other heads are concerned, the Tribunal has awarded a sum of Rs.35,000/- towards pain



and suffering considering the nature of the injuries suffered by the claimant, we deem it appropriate to award a sum of **Rs.50,000/-** towards pain and suffering instead of Rs.35,000/-. Since the claimant has placed on record the medical bills to the tune of **Rs.52,089/-**, which the Tribunal has awarded, the same is to be retained. Since the Tribunal has assessed income of the claimant at Rs.45,000/- p.m., 3 months salary is to be awarded towards loss of income during the laid up period. Hence, the claimant is entitled to **Rs.1,35,000/-** towards loss of income during the laid up period. The compensation awarded by the Tribunal towards loss of amenities and nutrition food is to be enhanced to **Rs.30,000/-** from Rs.10,000/-. Towards attendant and conveyance charges, the Tribunal awarded a very meager sum of Rs.16,000/-. Considering the period of hospitalization i.e., for 16 days, we are of the view that the same is to be enhanced to **Rs.30,000/-**. The Tribunal has awarded a sum of Rs.15,000/- towards future medical expenses.



Considering the evidence of P.W.5-Doctor, we are of view that the same has to be enhanced to **Rs.50,000/-**. Thus, the claimant is entitled to total compensation as under:

1.Loss of future income due to disability	Rs.4,86,000/-
2. Pain and Suffering	Rs. 50,000/-
3. Medical Expenses	Rs. 52,089/-
4. Loss of income during the laid up period	Rs.1,35,000/-
5. Loss of amenities, Food and nutrition	Rs. 30,000/-
6. Attendant and Conveyance	Rs. 30,000/-
7. Future Medical Expenses	Rs. 50,000/-
TOTAL	Rs.8,33,089/-

Hence, the claimant is entitled to total compensation of **Rs.8,33,089/-** with interest at the rate of 6% p.a.

13. In view of the above discussion, MFA No.3045/2023 filed by the Insurance Company is dismissed. The MFA No.4372/2023 filed by the claimant is allowed in part. The impugned judgment and award dated 02.01.2023 passed by the Tribunal in MVC No.1688/2020 is modified. The claimant is entitled to total compensation of Rs.8,33,089/- thereby he is entitled to enhanced compensation of **Rs.1,74,000/-**.



NC: 2026:KHC:29378-DB
MFA No. 3045 of 2023
C/W MFA No. 4372 of 2023

14. The appellant-Insurance Company is directed to deposit the enhanced compensation amount with interest at the rate of 6% p.a. before the Tribunal, within six weeks from today.

15. The amount if any deposited by the Insurance Company before this Court shall be transmitted to the Tribunal.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

MPK
CT:RK
List No.: 1 Sl No.: 50