



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 1730 OF 2016 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 3341 OF 2016 (MV-I)

IN MFA No. 1730/2016

BETWEEN:

SRI RAGHUNATHA REDDY,
S/O CHIKKA VENKATASWAMY,
AGED ABOUT 41 YEARS,
AGRAHARA, CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT-563 125.
(OWNER OF TEMPO-407 BEARING
NO REG NO.CNP-3457)

...APPELLANT

(BY SRI MAHESH KUMAR K.M, ADVOCATE FOR
SRI VEERANNA G TIGADI, ADVOCATE)

AND:

1. SRI SRINIVAS P B,
AGED ABOUT 22 YEARS,
S/O PRAKASH.B,
R/AT NO.314, 3RD CROSS,
NEAR MUNESHWARA TEMPLE,
NAGASHETTIHALLI, BENGALURU-560 094.

PERMANENT ADDRESS,
LAKKUR VILLAGE, MALUR TALUK
KOLAR DISTRICT-563 130.

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by NANDINI R
Location: HIGH
COURT OF
KARNATAKA



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C/W MFA No. 3341 of 2016

2. THE UNITED INDIA INS CO., LTD,
REGIONAL OFFICE,
4TH AND 5TH FLOOR, KRUSHI BHAVANA,
HUDSON CIRCLE, BANGALORE-560 001.
(POLICY NO.071502/31/12/02/
00000441 VALID FROM
16-04-2012 TO 15-4-2013).

...RESPONDENTS

(BY SRI N.S MALLIKARJUNA, ADVOCATE FOR
SRI S.S HAVERI, ADVOCATE FOR R-1;
SRI L SREEKANTA RAO, ADVOCATE FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 22.06.2015 PASSED IN MVC
NO.3886/2013 ON THE FILE OF THE II ADDITIONAL SMALL
CAUSES JUDGE & XXVIII ACMM, MACT, BENGALURU,
AWARDING COMPENSATION OF Rs.2,87,070/- WITH INTEREST
@ 6% P.A. FROM THE DATE OF PETITION TILL DEPOSIT IN
COURT.

IN MFA NO. 3341/2016

BETWEEN:

SRI SRINIVAS P B,
AGED ABOUT 22 YEARS,
S/O PRAKASH.B,
R/AT NO.314, 3RD CROSS
NEAR MUNESHWARA TEMPLE,
NAGASHETTIHALLI, BENGALURU-560 094.

PERMANENT ADDRESS:
LAKKUR VILLAGE, MALUR TALUK,
KOLAR DIST.-563 101.

...APPELLANT

(BY SRI HAVERI S S.,ADVOCATE)

AND:

1. THE UNITED INDIA INS. CO. LTD.,
4 AND 5TH FLOOR,



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KRUSHI BHAVANA,
KUDSON CIRCLE, BENGALURU-560 001.

2. MR. RAGHUNATH REDDY,
S/O CHIKKA VENKATASWAMY,
AGRAHARA, CHINTAMANI TALUK,
CHIKKABALLAPUR DISTRICT,
KOLAR-563 101.

...RESPONDENTS

(BY SRI L SREEKANTA RAO, ADVOCATE FOR R-1;
SRI MAHESH KUMAR K.M, ADVOCATE FOR
SRI VEERANNA G TIGADI, ADVOCATE FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 22.06.2015 PASSED
IN MVC NO.3886/2013 ON THE FILE OF THE II
ADDITIONAL SMALL CAUSES JUDGE, & XXVIII ACMM,
MACT, BENGALURU, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

Heard learned counsel appearing for the appellants
and respondents.

2. Being aggrieved by the judgment in
MVC.No.3886/2013 dated 22.06.2015 by learned II
Additional Small Causes Judge and MACT, Bengaluru



(SCCH-13), the petitioner as well as respondent No.2 therein have approached this Court in these appeals.

3. It is a case of the petitioner that on 12.03.2013 at about 08.40 pm, while he was a pillion rider on motorcycle bearing No.KA-04-HL-6189, it met with an accident by collision with a tempo bearing No.CNP-3457, resulting in the petitioner sustaining injuries, which are as below:

"Fracture of pelvis, fracture of superior and inferior pubic rami on both sides, and diastasis of pubic symphysis and left S-1 joint, Garden's type 4 displaced intracapsular fracture of neck of right femur and extensive contusion - abrasions over lower back and both gluteal areas."

He was immediately shifted to M.S.Ramaiah Hospital and thereafter, he was taken to R.M.V. Hospital, where he took treatment. The petitioner contended that he is entitled for compensation from the owner and the insurer of the offending vehicle i.e., Tempo-407.



4. On issuance of notice, respondent Nos.1 and 2 appeared and contended that the compensation claimed is highly exorbitant and imaginary. They also disputed the liability on the ground that the negligence was on the part of the rider of the motorcycle. Respondent No.1-Insurance Company contended that the terms and conditions of the policy were violated and the driver was not having a valid driving licence at the time of the accident and as such, its liability be absolved.

5. The Tribunal recorded the evidence of the petitioner as PW.1 and two witnesses as PWs.2 and 3 and Exs.P1 to 17 were marked. The official of the respondent No.1 was examined as RW.1 and Exs.R1 to 4 were marked. No evidence was led by respondent No.2-owner of the vehicle.

6. After hearing the arguments, the Tribunal by fastening liability on respondent No.2 has awarded a sum of Rs.2,87,070/- as compensation under following heads:



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SL. NO.	PARTICULARS	AMOUNT (IN RS.)
1	Injury pain and sufferings	50,000/-
2	Loss of earning during laid up period	12,000/-
3	Medical expenses	1,26,950/-
4	Loss of future earnings	69,120/-
5	Loss of amenities	20,000/-
6	Conveyance, nourishment, food and attendant charges	9,000/-
	TOTAL	2,87,070/-

7. Being aggrieved, the petitioner is before this Court in MFA.No.3341/2016 and respondent No.2 is in appeal before this Court in MFA.No.1730/2016.

8. Learned counsel appearing for the petitioner in MFA.No.3341/2016 submit that the compensation awarded is on the lower side and the Income of the petitioner has not been properly appreciated by the Tribunal. He submit that notional income should have been considered by the Tribunal and therefore, the compensation has to be reassessed.

9. Learned counsel appearing for the appellant in MFA.No.1730/2016 submit that the Tribunal erred in



fastening the liability upon the appellant, who was respondent No.2 before the Tribunal. He contends that the appellant had a driving licence of LMV and the vehicle which was involved is a light motor vehicle having unladen weight of less than 7,500 kgs. and therefore, the fastening of liability upon the appellant is unsustainable. In this regard, he places reliance on the judgment of the Apex Court in the case of ***Mukund Dewangan Vs. Oriental Insurance Company Limited***¹ as well as its later reiteration in the case of ***Bajaj Alliance General Insurance Co. Ltd. Vs. Rambha Devi and others***². Hence, he seeks to fasten the liability upon the respondent-Insurance Company.

10. *Per contra*, learned counsel appearing for respondent-Insurance Company submit that the quantum of the compensation assessed by the Tribunal is proper and correct and no indulgence is required. He submits that the claim petition itself mentioned the income of the

¹ (2017) 14 SCC 663

² (2025) 3 SCC 95



petitioner to be Rs.4,000 and Rs.1,000/- and therefore, there is no necessity of considering the notional income and as such, the impugned judgment need not be interfered with.

11. A careful perusal of the records would reveal that the vehicle involved is a tempo, which has the unladen weight less than 7,500 kgs. A perusal of the policy, which is at Ex.R1 would show that gross vehicle weight is 5,300 kgs and therefore, obviously the vehicle is a LMV as held in the case of **Mukund Dewangan** (Supra) and later reiterated in **Rambha Devi** (Supra). In view of the same, it is not necessary that the driver should possess a license to drive a transport vehicle. A license to drive a LMV would be sufficient. The driving license of the appellant is produced at Ex.R2. It is pertinent to note that he was possessing the license to drive LMV cab. In that view of the matter, the Tribunal erred in fastening liability upon respondent No.2-owner of the vehicle. To that extent the impugned judgment deserves to be set aside.



12. Coming to the quantum of the compensation, having regard to the nature of the injuries suffered by the petitioner, the Medical Officer has stated that there is a disability of 8%. Considering the age of the petitioner, which is 19 years, there is no need to reconsider the disability as assessed by the Tribunal. It is worth to note that though the petitioner had pleaded that he is earning Rs.5,000/- per month, it has considered the income at Rs.4,000/- per month. The Tribunal do not consider the income at Rs.5,000/- per month even though it could have considered the notional income. Therefore, it would be proper to consider the pleaded income of the petitioner at Rs.5,000/- per month. The age of the petitioner is not in dispute. Hence, the 'loss of future income due to disability' is calculated as $\text{Rs.5,000/-} \times 12 \times 18 \times 8\% = \text{Rs.86,400/-}$.

13. As a consequence, the compensation under the head of 'loss of income during laid up period' also needs to be reassessed and the same is calculated as



Rs.5,000/- X 3 = Rs.15,000/-, by considering the laid up period as 3 months.

14. The petitioner was awarded a sum of Rs.20,000 under the head of 'loss of amenities in life'. It is evident that the petitioner had sustained fracture of the pubic rami with diastasis of pubic symphysis and fracture of neck of femur. Since there were several injuries, it would be proper to enhance the compensation under the head of 'loss of amenities' from Rs.20,000/- to Rs.40,000/-.

15. The compensation awarded by the Tribunal in respect of remaining heads do not require any enhancement.

16. Thus, the petitioner is entitled for the modified compensation under different heads as below:

PARTICULARS	AMOUNT (IN RS.)
Pain and sufferings	50,000/-
Loss of earning during laid up period	15,000/-
Medical expenses	1,26,950/-
loss of future income due to disability	86,400/-
Loss of amenities	40,000/-
Conveyance, nourishment, food and attendant charges	9,000/-



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TOTAL	3,27,350/-
Less awarded by Tribunal	2,87,070/-
Enhancement	40,280/-

17. Thus, the petitioner is entitled for enhanced compensation of Rs.40,280/- with interest and therefore, the appeal deserves to be allowed in part. Hence, the following:

ORDER

(i) MFA.No.1730/2016 is allowed.

(ii) MFA.No.3341/2016 is allowed in part.

(iii) The impugned judgment and award passed by the Tribunal is modified by awarding a sum of Rs.40,280/- in addition to what has been awarded by the Tribunal together with interest at 6% p.a. from the date of petition till its deposit.

(iv) The respondent-Insurance Company is liable to pay entire compensation to the petitioner and it shall deposit amount as provided under Section 168(3) of the Motor Vehicles Act, 1988.



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(v) The amount, if any, in deposit before this Court is ordered to be refunded to the appellant in MFA No. 1730/2016.

Sd/-
(C M JOSHI)
JUDGE

NR/-
List No.: 1 SI No.: 12