



CNR: KAHC010246032023

NC: 2026:KHC:43757
MFA No. 3283 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.3283 OF 2023(MV-I)

BETWEEN:

SRI. VIGNESHA. A. V.
S/O. VENKATESHAMMA AND LATE KASHI,
NOW AGED ABOUT 28 YEARS,
RESIDING AT ANGONDAHALLI VILLAGE
AND POST, MULABAGAL TALUK,
KOLAR DISTRICT.

...APPELLANT

(BY SRI. GOPALA KRISHAN N, ADVOCATE FOR
SRI. SUSHMITHA G., ADVOCATE)

AND:

1. SRI. VENKATESH GOWDA. G. V.,
S/O. VENKATARAMAPPA,
AGED ABOUT 47 YEARS,
RESIDING AT GUNDAMANATTHA VILLAGE,
CHALDIGANAHALLI POST,
SRINIVASAPURA TALUK,
KOLAR DISTRICT,
PIN CODE - 563 126.
2. M/S. SBI GENERAL INSURANCE
CO. LTD., NO.3/1,
RUKMINI TOWERS,
PLATFORM ROAD DIAGONALLY,
OPP. TO MANTRIMALL,
SHESHADRIPURAM,
BENGALURU-560 020,
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2,
VIDE ORDER DATED 09.06.2026 NOTICE TO R1
IS DISPENSED WITH)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,1988, AGAINST THE JUDGMENT AND AWARD DATED:15.09.2021 PASSED IN MVC NO.2871/2018 ON THE FILE OF THE VIII ADDITIONAL SCJ AND ACMM, MEMBER, MACT, BENGALURU SCCH-5, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal is by claimant seeking enhancement of compensation arising out of judgment and award dated 15.09.2021, in MVC.No.2871/2018 passed by the VIII Additional Small Causes Judge and Motor Accident Claims Tribunal (SCCH-5), at Bengaluru¹.

2. The parties are referred to as per their ranking before the Tribunal.

¹ "Tribunal" for short



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3. Heard Sri.Gopal Krishna.N, learned counsel for Smt.Sushmitha.G, learned counsel for the appellant/claimant and Sri.B.Pradeep, learned counsel for respondent No.2-Insurer. Vide order dated 13.08.2026, notice of this appeal is dispensed with in respect of respondent No.1.

4. Sri.Gopal Krishna.N, argued this matter only on two counts; firstly, that the claimant has suffered grievous injuries to right mid thigh degloving injury, open type segmental fracture of right femur, open type II fracture of distal right tibia and fibula, multiple fracture of right metatarsal with hypovolemic shock and degloving injury over dorsum of right foot and other injuries. PW-3, the Doctor who has examined the petitioner also stated that the injuries sustained by the petitioner are grievous in nature and as per Ex.P4 - Wound Certificate also discloses that, the three injuries sustained by the petitioner is grievous in nature. The Discharge Summary at Ex.P.6 and Ex.P.7 disclose that, the Petitioner was admitted in Pulse



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Mutli Speciality Hospital and M.S.Ramaiah Hospital for a period of 9¹/₂ months for taking treatment and underwent several surgeries in the said hospitals on different occasions. Ex.P9 is Marks Card of the petitioner shows that, his date of birth is 10.06.1995 and the alleged accident was occurred on 05.11.2017. Accordingly, petitioner was aged about 22 years as on the date of accident.

5. Secondly, the Doctor who has been examined has stated that the claimant has suffered limb disability at 75% and the whole body disability at 25%. The Tribunal though considered disability at 25% and applied appropriate income per month, however, failed to consider the future prospectus. He further submits that admittedly the claimant was 23 years of age and unmarried, in view of severe injuries resulting in disability, total disfiguration of right leg, he has lost his marriage prospectus. On these two grounds, the learned counsel seeks to enhance the compensation.



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6. Sri.B.Pradeep, though argued in support of the judgment and award, however, not seriously disputed that the total disfiguration of the right leg, disability stated by the Doctor. Though, he opposed for considering the future prospectus, but not in serious dispute with regard to awarding loss of marriage prospectus, view of multiple injuries resulting in disfiguration of right leg.

7. Having considered the rival submissions, this Court perused the entire appeal paper.

8. The evidence of the Doctor, is clear and loud, stating that limb disability due to the injuries sustained resulted in 75% and 25% to the whole body. The injury suffered has made the disfiguration of leg and almost useless. In that view of the matter, considering the avocation even as unskilled coolie, the claimant has to suffer injuries to the entire rest of his life, in view of settled position of law by the Hon'ble Supreme Court, claimant is entitled for consideration of future prospectus



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while calculating loss of future income. The income is properly considered at Rs.11,000/-, since he was aged 25 years and 40% is required to be added towards future prospectus. Considering his age, the Tribunal has rightly taken multiplier at '18' The claimant is definitely entitled for enhancement of compensation under future loss of income and the disfiguration of leg would definitely comes in the way of his good marriage prospectus. In that view of the matter, he is entitled for a sum of Rs.75,000/- under the head loss of good marriage prospectus.

9. Accordingly, this Court proceed to reassess the compensation awarded by the Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of future income	5,94,000-00	7,77,600-00 (11,000+40%x12x18x25%)
2.	Pain and sufferings	1,00,000-00	1,50,000-00
3.	Conveyance, Nourishment and Attendant charges	1,00,000-00	1,00,000-00
4.	Medical Expenses	9,33,582-00	9,33,582-00
5.	Loss of amenities of life	1,00,000-00	2,00,000-00



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6.	Loss of income during laid up period	1,04,500-00	1,50,000-00
7.	Future medical expenses	50,000-00	50,000-00
8.	Loss of good Marriage prospectus	-	75,000-00
	TOTAL	19,82,082-00	24,36,182-00

10. The claimant is entitled for enhanced compensation of Rs.4,54,100/- (Rs.24,36,182-Rs.19,82,082) rounded off to **Rs.4,55,000/-** with interest at the rate 6% interest per annum from the date of petition till realization.

11. For the foregoing reasons, this Court proceedings pass the following:

ORDER

(i) The appeal is ***allowed in part.***

(ii) The judgment and award dated 15.09.2021 passed by the Tribunal in MVC.No.2871/2018 is modified and enhanced to **Rs.4,55,000/-** with interest



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at the rate of 6% per annum from the date of petition till realization.

- (iii) Respondent No.3-Insurer shall deposit the entire enhanced compensation along with accrued interest stated supra within six weeks from the date of receipt of copy of this order before the concerned Tribunal.
- (iv) Upon deposit the entire amount shall be released in favour of the appellant/claimant on proper identification.
- (v) The Registry to send back the trial Court record to the concerned Tribunal, without causing any delay.
- (vi) No order as to costs.

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 1 Sl No.: 9
ct-vn