



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 22<sup>ND</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE C M JOSHI**

**MISCELLANEOUS FIRST APPEAL NO. 2317 OF 2017 (MV-I)**

**BETWEEN:**

M. VENKATESH,  
S/O. MUNIYAPPA,  
AGED ABOUT 47 YEARS,  
R/O. DODDAVALLABBI VILLAGE & POST,  
NARASAPUR HOBLI,  
KOLAR TALUK & DISTRICT.

...APPELLANT

(BY SMT. PAYAL DECHAMMA, ADVOCATE FOR  
SR. PAVANA CHANDRA SHETTY, ADVOCATE)

**AND:**

1. K. VENKATASHAMA CHARI,  
S/O. LATE KRISHNA CHARI,  
R/O. HALERI VILLAGE,  
MATNAHALLI POST,  
KOLAR TALUK AND DISTRICT-563 101.
2. RELIANCE GENERAL INSURANCE COMPANY LTD.,  
NO.28, EAST WING, 5<sup>TH</sup> FLOOR,  
CENTENARY BUILDING, M.G. ROAD,  
BENGALURU-560 001.  
REP. BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI D VIJAYA KUMAR, ADVOCATE FOR R-2;  
NOTICE TO R-1 IS DISPENSED WITH V/O DATED  
21.11.2017)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 16.01.2017 PASSED IN MVC  
NO.111/2015 ON THE FILE OF THE I ADDITIONAL SENIOR

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by NANDINI R  
Location: HIGH  
COURT OF  
KARNATAKA



CIVIL JUDGE, & ACJM, KOLAR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

**ORAL JUDGMENT**

Heard learned counsel for the appellant and learned counsel for the respondent No.2.

2. Being aggrieved by the quantum of the compensation amount awarded by the Tribunal in MVC.No.111/2015, the petitioner therein is before this Court seeking enhancement of the compensation.

3. The fact that there was an accident on 11.03.2015 involving the vehicle bearing No.KA-07-M-6086 owned by the respondent No.1 and insured by respondent No.2 is not in dispute.

4. Learned counsel appearing for the appellant would submit that the Tribunal erred in considering the notional income of the petitioner. It is submitted that he



was an agriculturist, engaged in milk vending, aged about 45 years and though he had stated that he was earning Rs.20,000/- per month, the Tribunal has assessed the income only at Rs.7,000/- per month. It is submitted that the notional income should have been appropriately considered by the Tribunal. It is further stated that the compensation amount under the head of 'loss of amenities in life' and the 'incidental expenses including conveyance' are also on the lower side and therefore, a reassessment be made by this Court.

5. *Per contra*, learned counsel for the respondent No.2 submits that the quantum of the compensation amount determined by the Tribunal is proper and correct and there is no need for any enhancement.

6. A perusal of the records would reveal that the Tribunal has assessed the compensation under all heads but while assessing the 'future loss of income', it has assessed the notional income at Rs.7,000/-. The guidelines issued by the KSLSA for the purpose of settlement of the



disputes before the Lok-Adalat prescribed a notional income of Rs.9,000/- for the year 2015. In umpteen number of judgments, it has been held by this Court that the guidelines issued by the KSLSA are in general conformity with the wages fixed under the Minimum Wages Act and therefore, it is acceptable. The disability of the petitioner assessed by the Tribunal at 12.3% also do not require any reconsideration. Therefore, 'loss of future income' is calculated as  $\text{Rs.9,000/-} \times 12 \times 14 \times 12.3\% = \text{Rs.1,85,976/-}$  by adopting a multiplier of '14' for the age of 45 years.

7. As a consequence, the 'loss of income during the laid up period' is calculated for 03 months as  $\text{Rs.9,000/-} \times 3 = \text{Rs.27,000/-}$ .

8. The Tribunal has awarded a sum of Rs.5,000/- under the head of 'loss of amenities in life' and the petitioner having suffered the fracture of tibia and fibula, would have to bear the same for rest of the life. Therefore,



the compensation under the head of 'loss of amenities in life' is enhanced to Rs.30,000/-.

9. The compensation awarded under the remaining heads i.e., pain and sufferings, medical expenses, conveyance expenses and incidental charges do not require any reconsideration.

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

| <b>PARTICULARS</b>                      | <b>AMOUNT<br/>(IN RS.)</b> |
|-----------------------------------------|----------------------------|
| Future loss of income due to disability | 1,85,976/-                 |
| Pain and sufferings                     | 55,000/-                   |
| Medical expenses                        | 79,950/-                   |
| Incidental charges                      | 7,000/-                    |
| Loss of income during hospitalization   | 27,000/-                   |
| Loss of amenities and expectations      | 30,000/-                   |
| Conveyance                              | 2,000/-                    |
| <b>TOTAL</b>                            | <b>3,86,926/-</b>          |
| Less awarded by Tribunal                | 3,16,898/-                 |
| Enhancement                             | 70,028/-                   |

11. Thus, the petitioner is entitled for enhanced compensation of Rs.70,028/- with interest and therefore,



the appeal deserves to be allowed in part. Hence, the following:

**ORDER**

- (i) The appeal is allowed in part.
- (ii) The impugned judgment and award passed by the Tribunal is modified by awarding a sum of Rs.70,028/- 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.
- (iii) The respondent No.2/Insurance company is directed to deposit the entire compensation amount within a period of six weeks from the date of this order.
- (iv) Rest of the order of the Tribunal stands unaltered.

**Sd/-**  
**(C M JOSHI)**  
**JUDGE**