



CNR: KAHC010259482021

NC: 2026:KHC:52205
MFA No. 3129 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 3129 OF 2021

(MV-I)

BETWEEN:

1. SRI. SAGAR,
S/O DASAPPA,
AGED ABOUT 25 YEARS,
R/AT MYLANAYAKANAHALLI VILLAGE,
KASABA HOBLI,
RAMANGARA TQ. AND DIST. - 562 159.
NOW AT PAREDODDI VILLAGE,
CHANNAPATNA TALUK,
RAMANAGARA DIST. - 562 159.

...APPELLANT

(BY SRI. RITHISH D. NAIK, ADVOCATE)

AND:

1. SRI. SANJAY,
S/O MALLESHA M.,
R/AT NO.75/3,



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MUNIYAPPANADODDI VILLAGE,
KASABA HOBLI, CHANNAPATNA TALUK,
RAMANAGARA DIST. – 562 159.

2. THE NEW INDIA ASSURANCE
COMPANY LIMITED,
NO.2241/4, GIRIYAMMA
SHAMBUGOWDA COMPLEX,
CHURCH ROAD, CHANNAPATNA TALUK,
RAMANAGARA DIST. – 562 159.

...RESPONDENTS

(BY SRI. M.S. SRIRAM, ADVOCATE FOR R2;
NOTICE TO R1 IS D/W, V/O DATED 02.08.2021)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 05.08.2020, PASSED IN
MVC.NO.470/2016, ON THE FILE OF THE SENIOR CIVIL JUDGE
AND J.M.F.C., CHANNAPATNA TALUK AT RAMANAGARA
DISTRICT, 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 S RACHAIAH



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ORAL JUDGMENT

1. This appeal has been filed by the appellant being aggrieved by the judgment and award dated 05.08.2020 passed in MVC No.470/2016 on the file of the Senior Civil Judge and JMFC and Addl. MACT, Channapatna, wherein the Tribunal awarded compensation of Rs.8,20,000/- with interest at 6% p.a. from the date of petition till the deposit of the amount in the Tribunal and seeking enhancement of compensation.

Brief facts of the case:

2. On 17.7.2016, at about 7.20 p.m., the appellant was traveling on his motorcycle bearing registration No.KA-42-B-1700 near the house of one Krishna, situated on Devarahosahalli – Paredoddi road. At that time, the driver of the TATA Indica car bearing registration No.KA-41-7843 dashed against the motorcycle; consequently, the appellant fell down and sustained injuries. The appellant had taken treatment as an inpatient for 30 days and also underwent surgery twice, and a rod was



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implanted to his right leg etc. Therefore, a claim petition was filed by the appellant before the Tribunal. The Tribunal awarded Rs.8,20,000/- along with interest at 6% per annum.

3. Heard Sri Rithish D Naik, learned counsel for the appellant and Sri M S Sriram, learned counsel for the respondent No.2.
4. The submission of learned counsel for the appellant is that the accident is of the year 2016, the notional income of the appellant ought to have been considered as Rs.9,500/- p.m. and the same has to be recalculated under the head of loss of future earnings.
5. It is further submitted that loss of earnings during laid-up period and also additional medical bills produced by filing an application under Order 41 Rule 27 of the Code of Civil Procedure are required to be considered and the compensation has to be re-determined in the interest of justice, is the submission of learned counsel for the appellant.



6. *Per contra*, learned counsel for the respondent No.2 vehemently justified the order of the Tribunal and submitted that the findings of the Tribunal in awarding the compensation and considering the oral and documentary evidence on record appears to be appropriate and proper. The notional income of the appellant may be considered and re-determined as per the chart. Making such submissions, learned counsel for the respondent No.2 prays to allow the appeal in part and dismiss rest of the claims.
7. Having heard learned counsel for the respective and also on going through the findings of the Tribunal, it is an admitted fact that the accident had occurred on 17.07.2016. The appellant was aged about 20 years. Since he has not produced any document to show that he was the earning member of the family, the notional income of Rs.9,500/- has to be considered for the purpose of determining the loss of future earnings. If 50% of the income of the appellant is deducted as per the age of the appellant, it comes to Rs.4,750/-. Then,



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the calculation under the head of loss of future earnings would be as follows:

$$9500 \times 50\% = 4750 \times 12 \times 18 = 10,26,000$$

8. Consequently, the award of the Tribunal is modified and the claimant would be entitled to the compensation as under:-

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Pain and suffering	50,000	50,000
02	Loss of amenities and happiness	40,000	50,000
03	Medical and Incidental charges	2,50,000	3,10,182
04	Loss of earning during laid up period (9500x6)	48,000	57,000
05	Loss of future earning due to permanent disability	4,32,000	10,26,000
	TOTAL	8,20,000	14,93,182 - 8,20,000 = 6,73,182



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9. In the light of the observations made above, I proceed to pass the following:-

ORDER

- i) Miscellaneous First Appeal is *allowed in part*.
- ii) The judgment and award dated 05.08.2020 passed in MVC No.470/2016 on the file of the Senior Civil Judge and JMFC and Addl. MACT, Channapatna, is modified, granting compensation of **Rs.14,93,182/-** (Rupees Fourteen Lakhs Ninety-Three Thousand One Hundred and Eighty-two only) as against Rs.8,20,000/- awarded by the Tribunal.
- iii) The claimant is entitled to enhanced compensation of **Rs.6,73,182/-** with interest at the rate of 6% per annum from the date of this appeal till realisation.
- iv) The enhanced compensation amount shall be deposited by the second respondent within a period of eight weeks from the date of receipt of the certified copy of this judgment.



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- v) The Tribunal is directed to release the entire amount in favour of the claimant, on proper identification.
- vi) The Registry is directed to communicate the order to the Tribunal and send the records to the Trial Court forthwith.

Sd/-
(S RACHAIAH)
JUDGE

Bss
List No.: 1 Sl No.: 36