



CNR: KAHC010269142023

NC: 2026:KHC:46162
MFA No. 3633 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.3633 OF 2023(MV-I)

BETWEEN:

SRI. SHANKAR L.,
S/O LINGE GOWDA,
AGED ABOUT 43 YEARS,
R/AT DODDAIAHNA KERE,
KALLAHALLI POST,
KASABA HOBLI,
KANAKAPURA TALUK AND TOWN,
RAMANAGARA DISTRICT - 562 117.

...APPELLANT

(BY SMT. NITHYA ABHILASH, ADVOCATE FOR
SRI. PRAKASH M H., ADVOCATE)

AND:

1. UNIVERSAL SOMPO GEN. INS. CO. LTD.,
NO.217/A, 3RD FLOOR,
KVV SAMRAT, 3RD MAIN ROAD,
OUTER RING ROAD,
KASTURI NAGARA,
BANGALORE - 560 043.
REP BY ITS MANAGER.
2. SRI. SHREYAS R.,
S/O RAMESH N.,
AGE MAJOR,
R/AT NO.6/B, APPAJI THOTA,
ELEKERI, ELEKERO ROAD,

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



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CHANNAPATNA TOWN AND TALUK
RAMANAGARA DISTRICT - 562 117.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR., ADVOCATE FOR R1,
VIDE ORDER DATED 19.01.2024 NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:07.01.2023
PASSED IN MVC NO.2925/2020 ON THE FILE OF THE C/C XXII
ADDITIONAL SCJ AND ACMM, MEMBER, MACT, BENGALURU
SCCH-24, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION, 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 by the claimant seeking for enhancement
of compensation arising out of judgment and award dated
07.01.2023 in MVC.No.2925/2020 passed by the Motor
Accident Claims Tribunal, at Bengaluru (SCCH-24) C/c



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XXII Additional Senior Civil Judge and ACMM, Member-MACT¹.

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

3. Facts germane to file this present appeal are as under:

3.1 In an accident occurred on 13.08.2020 at about 04.00 p.m., the claimant due to the actionable rash and negligent driving of car- Swift Dzire bearing Registration No.KA-02-AF-6945, by its driver suffered fracture of tibia plateau and underwent surgery. He was an in-patient for 3 days and suffered disability.

4. The Tribunal on the petition filed under Section 166 of the Motor Vehicles Act, 1988, has awarded a total compensation of Rs.3,73,400/- along with interest at the rate of 6% per annum, considering the income of the claimant at Rs.14,500/- for the accident of the year 2020

¹ "Tribunal" for short



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and taking 8% disability to the whole body. It is this judgment and award is called in question in this appeal.

5. Heard Madam Nithya Abhilash, learned counsel for Sri.Prakash M.H, learned counsel for appellant and Sri.D.Vijaya Kumar, learned counsel for respondent No.1- Insurer. Vide order dated 19.01.2024, notice of this appeal on respondent No.2 is dispensed with.

6. Madam Nithya Abhilash, with all vehemance submits that the claimant has produced document to show i.e., the Sericulture passbook, Sericulture bid receipts in support of his earnings, however, the Tribunal has failed to consider the same. In that view of the matter the appropriate income may be taken in respect of the year in which the accident occurred. She further submits that the compensation awarded under all the heads, except medical expenses and future medical expenses are very meager and requires reconsideration.



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7. Refuting the submissions of Madam Nithya Abhilash, Sri.D.Vijaya Kumar, with all vehemence submits that the Tribunal in the absence of proof of income considered the income of Rs.14,500 and appropriately taken 8% disability and awarded appropriate compensation and submits that there is no scope for enhancement under any heads and sought to dismiss the appeal.

8. Having considered the rival submission, this Court perused the entire appeal paper.

9. What transpired from the records is that the claimant was doing Sericulture and he has produced documents and also supported the said document with his oral evidence, particularly Exs.P16, 17 and 18 i.e., Sericulture passbook, Sericulture Bid receipts and Union Bank Passbook. In that view of the matter, the Tribunal committed an error in considering the income fixed under the chart prepared by the Karnataka State Legal Services



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Authority for the year 2020 at Rs.14,500/- in respect of an unskilled labour. A person who was doing sericulture work actively cannot be equated with that of an unskilled labour. Therefore, this Court is of the opinion that if Rs.600/- per day is considered as income of the claimant as on the date of accident, the same would come to Rs.18,000/- per month and the same is considered for the purpose of assessment of loss of future income due to disability. The disability which is stated by the doctor has been properly considered by the Tribunal and the same requires no interference.

10. Further a perusal of compensation awarded under other heads, except medical expenses, future medical expenses and attendant, conveyance, food and nourishment charges requires reconsideration.

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



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Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain & suffering	50,000-00	50,000-00
2.	Medical expenses	59,988-00	59,988-00
3.	Loss of income during laid up period	14,500-00	54,000-00 (18,000x3)
4.	Loss of future income	1,94,880-00	2,41,920-00 (18,000x12x14x8%)
5.	Loss of future amenities and happiness	17,000-00	50,000-00
6.	Attendant, conveyance, food & nourishment charges	17,000-00	17,000-00
7.	Future medical expenses	20,000-00	20,000-00
	TOTAL	3,73,368-00	4,92,908-00

12. Accordingly, the claimant is entitled for enhanced compensation of Rs.1,19,540/- (Rs.4,92,908 - 3,73,368) rounded off to **Rs.1,20,000/-** which shall carry interest at the rate of 6% per annum from the date of petition till realization.

13. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

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

(ii) The judgment and award dated 07.01.2023

passed by the Tribunal in



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MVC.No.2925/2020 is modified and enhanced to **Rs.1,20,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realization.

- (iii) Respondent No.1-Insurer shall deposit the entire enhanced compensation along with interest at the rate of 6% per annum stated supra within six weeks from the date of receipt of copy of this order, before the concerned Tribunal.
- (v) Upon deposit, the entire amount shall be released in favour of appellant/claimant on proper identification.
- (vi) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 7
ct-vn