



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.5472 OF 2023(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.3824 OF 2023(MV-I)

IN MFA No. 5472/2023

BETWEEN:

SMT AYESHA FATIMA @
SHAIKH AYESHA FATHIMA @ SHAIKH AYESHA
W/O SHAIKH KHAJA PEER,
AGED ABOUT 28 YEARS,
R/AT BIDADI, BIDADI HOBLI-562 092,
RAMANAGARA TALUK & DIST.

PERMANENT ADDRESS:
#10-64, KHAJA KHAN STREET,
B. KOTHAKOTA, CHITTOOR DISTRICT
ANDHRA PRADESH-517 370

...APPELLANT

(BY SRI. K.P BHUVAN, ADVOCATE)

AND:

1. SRI. CHIDATMANANDA K.L
S/O LAKKASETTAIAH,
MAJOR,
R/AT 23/1 VISHALA NILAYA,
2ND A CROSS, NGEF LAYOUT MAIN ROAD,
NAGARABHAVI, BENGALORE-560 072
(RC OWNER OF CAR BEARING KA-53-N-4509)
EXPARTE

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:32885-DB
MFA No. 5472 of 2023
C/W MFA No. 3824 of 2023

2. UNITED INDIA INSURANCE CO LTD
REGIONAL OFFICE, TP HUB,
5TH AND 6TH FLOOR, KRISHI BHAVAN,
HUDSON CIRCLE, OPP BBMP HEAD OFFICE,
NRUPATHUNGA ROAD BANGALORE-560 001
THE BRANCH MANAGER
(INSURER OF CAR BEARING NO KA-53-N-4509)
POLICY NO. 0730003117P106146779 VALID FROM
30-07-2018 TO 29-07-2019

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R2,
VIDE COURT ORDER DATED 19.03.2025, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.01.2023 PASSED IN MVC
NO. 5684/2019 ON THE FILE OF THE X ADDITIONAL JUDGE,
COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 3824/2023

BETWEEN:

M/S UNITED INDIA INSURANCE COMPANY. LTD
REGIONAL OFFICE, TP HUB,
5TH & 6TH FLOORS, KRISHI BHAVAN,
HUDSON CIRCLE,
OPP.BBMP HEAD OFFICE,
NRUPATHUNGA ROAD,
BENGALURU-560 001,
REPRESENTED BY VAISAKH MOHAN,
ASSISTANT MANAGER.

...APPELLANT

(BY SMT. GEETHA RAJ, ADVOCATE)

AND:

1. MRS AYESHA FATHIMA @
SHAIK AYESHA FATHIMA @ SHAIK AYESH,
W/O SADHAIK KHAJA PEER,



AGED ABOUT 31 YEARS,
RESIDING AT BIDADI, BIDADI HOBLI,
RAMANAGARA TALUK & DISTRICT.

PERMANENT ADDRESS,
#10-64, KHAJA KHAN STREET,
B KOTHAKOTA, CHITTOOR DISTRICT,
ANDHARA PRADESH-517370.

2. MR. CHIDATMANANDA K.L
S/O LAKKASETTAIAH
#23/1, 'VISHALNILAYA'
2ND A CROSS,
NGEF LAYOUT MAIN ROAD
NAGARBHAVI,
BENGALURU-560 072

...RESPONDENTS

(BY SRI. K.P. BHUVAN, ADVOCATE FOR R1,
VIDE COURT ORDER DATED 30.06.2026, NOTICE TO
R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 13.01.2023 PASSED
IN MVC NO. 5684/2019 ON THE FILE OF THE X
ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND
MEMBER, MACT, BENGALURU (SCCH-16), AWARDING
COMPENSATION OF RS. 19,51,000/- WITH INTEREST AT 6
PERCENT P.A FROM THE DATE OF PETITION TILL
REALIZATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

1. These appeals are directed against the judgment and award dated 13.01.2023 passed in MVC.No.5684/2019 by the X Addl. Judge, Member, Motor Accident Claims Tribunal, Bengaluru, (for short, "the Tribunal"), whereby the Tribunal has partly allowed the claim petition and awarded compensation of Rs.19,50,787/- rounded off to Rs.19,51,000/- along with interest at 6% p.a. from the date of petition till its realisation.

2. The factual matrix of the case is that on 08.04.2019 at about 5.00 p.m., the claimant while travelling as a pillion rider in the motorcycle bearing registration No.KA51-EM-2786 along with her husband in Bengaluru - Mysore Road near Sarojamma Chikka Thimmaiah Chowltry, Bidadi Town, the driver of the car bearing registration No.KA-53-N-4509 drove the same with high speed in a rash and negligent manner and dashed against the hind portion of the motorcycle, due to which, the claimant and her husband sustained grievous injuries and thereafter, took treatment in the hospital as inpatient. As such, the claimant filed claim petition before the Tribunal.



3. The Tribunal on assessment of oral and documentary evidence partly allowed the claim petition as stated supra. Being aggrieved by the quantum of compensation, the insurer preferred MFA.No.3824/2023 and the claimant preferred MFA.No.5472/2023.

4. Heard Smt.Geetha Raj, learned counsel for the insurer and Sri K.P.Bhuvan, learned counsel for the claimant.

5. Learned counsel for the insurer apart from urging several contentions primarily would contend that the Tribunal awarded the compensation under the head of future loss of earnings exorbitantly by assessing the income of the claimant at Rs.31,258/- despite the claimant failed to substantiate the said income. According to the learned counsel, the claimant was Proprietrix of AQSA Enterprises and after the accident, she continued the said position till the year 2021 and that her husband, who had also sustained injuries in the very same accident, was running the enterprises. Later, a closure letter was submitted as per Ex.P20. She would further contend that Ex.P20 was submitted pursuant to the cross-examination of the claimant. In such circumstances, the Tribunal has erred in



awarding compensation towards future loss of income by wrongly assessing the income of the claimant. She would also contend that the disability taken by the Tribunal at 20% is on higher side, since the claimant had sustained fracture of L1 with paraparesis with bladder and bowel deficits and able to perform her regular work. She would further contend that the Tribunal has awarded exorbitant compensation under other heads. As such, she would pray to allow the appeal of the insurer.

6. On the other hand, learned counsel for the claimant would contend that the Tribunal has rightly assessed the income of the claimant by placing reliance on the income tax returns produced by the claimant for the year 2018-19 as per Ex.P21, which clearly depicts that in the previous year of the accident, the claimant had annual income of Rs.3,75,100/- In such circumstances, the Tribunal has rightly considered her income at Rs.31,258/-. Further Ex.P20 clearly demonstrates that the Enterprises run by the claimant was closed as she was unable to run the same. Further, the Tribunal after considering the evidence of the Doctor - PW.3 has rightly assessed the disability at 20% since the permanent disability to whole body



assessed by the Doctor was at 30%. In such circumstances, he would pray to dismiss the appeal of the insurer and to allow the appeal of the claimant.

7. We have given our anxious consideration to the submissions made by learned counsel for both the parties. Perused the appeal papers and materials on record.

8. As could be gathered from records, the fact that the accident had occurred on 08.04.2019 and the liability of the insurer are not in dispute in these appeals.

9. The Tribunal while awarding the compensation as aforesaid, has assessed the disability of the claimant at 20% based on the evidence of the Doctor - P.W.3 - Orthopaedic surgeon and the discharge summary at Ex.P15. The claimant was treated as inpatient for 12 days at Hosmat Hospital and underwent surgery. It is stated that L1 fracture stabilized with T11 to L3 pedical screws with rods kyphilis. According to the doctor, the claimant has suffered permanent whole body disability at 30%. In such circumstances, the Tribunal was justified in assessing the whole body disability at 20%.



10. As regards the income of the claimant, the Tribunal has assessed the same at Rs.31,258/- based on Ex.P21 - income tax returns. Though it is contended by learned counsel for the insurer that the Enterprises, being run by the claimant, was continued even after the accident, Ex.P20 - the letter written by the claimant clearly depicts that the said Enterprises was closed in the year 2021. In such circumstances, we are of the view that the Tribunal was also justified in assessing the income of the claimant at Rs.31,258/-.

11. As regards the compensation awarded under other heads, the same being just and proper, are affirmed.

12. In that view of the matter, we are of the considered view that both the appeals, being devoid of merit, are liable to be dismissed. Accordingly, they are ***dismissed***.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE