



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

PRESENT

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

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.3845 OF 2023 (MV-I)

BETWEEN:

SRI. ULLAS VEENATH
S/O M. MANJUANATH
AGED ABOUT 23 YEARS
RA/T NO.29, 7TH MAIN ROAD,
MARUTHI TEMPLE ROAD,
SARASWATHIPURAM
MYSURU - 570 009.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

AND:

1. SRI.K. VIJAY KUMAR
S/O SRI. KANNAIAH T.R.
AGED ABOUT 38 YEARS,
R/AT SAWTIC NILAYA,
BYCHANAHALLI, KUSHALANAGAR,
SOMWARPET TQ, KODAGU - 571 124.

2. THE MANAGER,
UNITED INDIA INSURANCE COMPANY LTD,
NEW KANTHARAJ URS ROAD,
BALLAL CIRCLE, MYSURU -570 004.

...RESPONDENTS

(BY SRI.RAVISH BENNI, ADVOCATE FOR R2,
VIDE ORDER DATED 18/07/2023,

Digitally signed
by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA





NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 24.03.2023 PASSED IN MVC NO.698/2021 ON THE FILE OF THE PRL JUDGE, COURT OF SMALL CAUSES AS A PRESIDING OFFICER, MACT, MYSURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The appellant/claimant is before this Court dissatisfied with the quantum of compensation awarded under judgment and award dated 24.03.2023 in MVC No.698/2021 on the file of the Motor Accidents Claims Tribunal, Mysuru and seeking for enhancement of compensation.

2. The claimant/injured filed claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation for the injuries sustained in a Road Traffic



Accident that took place on 16.03.2021 involving Honda Activa Scooter bearing Reg.No.KA-11-U-4110 and another Yamaha RX Motorcycle bearing Reg.No.CRM-0989. It is stated that the claimant suffered grievous injuries on face, head, eye, nose, chest, right leg, right foot and injuries to other parts of the body. It is stated that he has taken treatment as inpatient for 25 days at DRM Multi Specialty Hospital, Mysuru. It is also stated that the claimant was working as Computer Training Teacher and was earning ₹20,000/- per month.

3. On appearance of the respondent Nos.1 and 2, respondent No.1 did not file any objection while respondent No.2 - Insurance Company filed its objection statement denying the claim petition averments and further contended that the claimant himself was rash and negligent in riding the motorcycle. It is also stated that the rider of the motorcycle i.e., claimant, had no valid and effective driving license as on the date of accident. The claimant examined himself as PW-1 and examined Doctors



as PW-2 to PW-4 in support his claim and marked Ex.P.1 to Ex.P.24. No evidence was lead on behalf of the respondents. The Tribunal based on the material on record, awarded total compensation of ₹17,92,500/- with interest at the rate of 6% per annum from the date of petition till payment under various heads as follows:-

Pain, Agony and suffering	Rs.	65,000/-
Loss of amenities and happiness and inconvenience	Rs.	75,000/-
Medical expenses & hospital charges	Rs.	8,32,000/-
Loss of earning during laid up period	Rs.	90,000/-
Towards Attendant, Food, Nourishment and other sundry expenses	Rs.	50,000/-
Loss of future earnings	Rs.	6,80,500/-
Total Compensation	Rs.	17,92,500/-

4. While awarding the above compensation, the Tribunal assessed the notional income of the claimant at ₹15,000/- per month and assessed the whole body disability at 15%. The claimant/appellant not being



satisfied with the above compensation is before this Court praying for enhancement of compensation.

5. Heard Sri.Syed Abdul Saboor, learned counsel for the appellant and Sri.Ravish Benni, learned counsel for the respondent No.2 - Insurance Company. Perused the appeal papers as well as trial Court records.

6. The only ground urged by the learned counsel for the appellant to seek enhancement of compensation is that the Tribunal erred in assessing the whole body disability at 15% and the assessment of disability by the Tribunal is contrary to the evidence of PW-2 to PW-4 as well as the medical records. Learned counsel would submit that the appellant/claimant had suffered 36% disability to right lower limb and 20% to the right upper limb.

7. Further, learned counsel for the appellant would submit that if the disability to right lower limb and right upper limb is added together, it would be 56% disability



and the Tribunal ought to have taken 1/3rd of the 56% disability to the whole body. Learned counsel would submit that the claimant was aged 21 years as on the date of accident and the injuries suffered in the accident has reduced his earning capacity. Thus, learned counsel for the appellant would pray for allowing the appeal and enhance the compensation.

8. Sri.Ravish Benni, learned counsel for the respondent No.2 would submit that the compensation awarded by the Tribunal is just compensation and it needs no interference. Further, he submits that the Tribunal has assessed the whole body disability at 15% taking note of the medical records as well as evidence of PW-2 to PW-4, Doctors examined by the claimant/appellant. Thus, he would pray for dismissal of the appeal.

9. On hearing the learned counsel for the parties and perusal of the entire records, the only point that arises for consideration is:-



Whether the whole body disability assessed by the Tribunal at 15% is proper and correct?

10. The answer to the above point would be in the Affirmative for the following reasons:-

The accident that took place on 16.03.2021 involving Honda Activa Scooter bearing Reg.No.KA-11-U-4110 and Yamaha RX Motor Cycle bearing Reg.No.CRM-0989 and the injury sustained by the appellant is not in dispute. In terms of the evidence of PW-2, the petitioner has sustained Cerebral Edema SAH, Multiple Facial Fracture, Skull Bone Fracture, Fracture to both bones of Right Leg, Fracture of Left Clavicle and Laceration over 3rd Web Space of Right Foot.

11. PW-2 Doctor has deposed that the claimant had suffered disability of 36% to right lower limb and 20% to right upper limb, whereas, PW-4 Doctor has deposed that the claimant had suffered disability of 25%. There is contradiction between the evidence of PW-2 and PW-4



Doctors, who have deposed inconsistently with regard to the injury sustained by the claimant/appellant. The Tribunal taking note of the injury, medical records and evidence of PW-2 to PW-4 has rightly assessed the whole body disability at 15%.

12. The Tribunal has also taken note of the decision of the Hon'ble Apex Court in the case of ***Raj Kumar Vs Ajay Kumar & Another¹***, while assessing the whole body disability of the claimant/appellant. There is no document or material to support the contention of the learned counsel for the appellant that the whole body disability shall be assessed at 1/3rd of the right and left limb injury put together. We don't find any error in the assessment of disability by the Tribunal.

13. The claimant/injured was inpatient for 25 days in DRM Multi Specialty Hospital, Mysuru and taking note of the injuries suffered and treatment taken, we are of the

¹ 2011 (1) SCC 243



considered view that the compensation awarded on the head of 'pain and suffering' is on the lower side.

14. Taking note of the above, we enhance the compensation awarded on the head of 'pain, agony and suffering' from ₹65,000/- to ₹1,00,000/-. The award of the Tribunal is modified to the above extent. The enhanced compensation shall carry the same interest as awarded by the Tribunal and the respondent No.2 - Insurance Company shall deposit the enhanced compensation within six weeks from today. With the above, the appeal stands ***disposed of***.

**SD/-
(S.G.PANDIT)
JUDGE**

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**