



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.4839 OF 2022 (MV-I)

BETWEEN:

LAVANYA PANNEERSELVAM
D/O PANNEERSELVAM,
AGED ABOUT 33 YEARS,
R/AT NO.63, NEW VASANTHNAGAR,
1ST MAIN ROAD, HOSUR,
TAMILNADU.
PRESENTLY AT NO.10A, 2ND MAIN,
POLICE LAYOUT,
BOMMASANDRA,
BENGALURU-560072.

...APPELLANT

(BY SRI. GURUDEV PRASAD K T, ADVOCATE)

AND:

1. CHOLAMANDALAM MS GEN. INS. CO. LTD,
REGIONAL OFFICE, 6TH FLOOR,
GOLDEN HEIGHTS BUILDING,
RAJAJINAGAR, BENGALURU-560001.
2. SRI. NAGESH V.
S/O VENKATESHAPPA,
R/AT NO.243, ATTUR WARD NO.04,
MUTHALI POST,
HOSUR S.O, KRISHNAGIRI,
TAMILNADU-635109.

...RESPONDENTS

(BY SRI. PRADEEP B, ADVOCATE FOR R1;
R-2 IS SERVED)



THIS MFA IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLE ACT, PRAYING TO CALL FOR THE RECORDS ON THE FILE OF JUDGMENT AND AWARD DATED 01.01.2022 PASSED BY THE I ADDITIONAL SMALL CAUSES JUDGE AND M.A.C.T., AT BENGALURU (SCCH-2) IN M.V.C.NO.4241/2018 AND ENHANCE THE COMPENSATION WITH COSTS AND INTEREST AGAINST THE RESPONDENTS IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

This appeal is the outcome of the award that is passed by the Motor Accident Claims Tribunal, Bangalore in MVC.No.4241/2018 dated 01.01.2022.

02. Heard Sri. Gurudevprasad K. T., learned counsel for the appellant as well as Sri. Mallikarjun Reddy, who represented Sri. Pradeep B., learned counsel on record for respondent No.1.



03. On the ground that she sustained grievous injuries in a road traffic accident that occurred in the year 2018 and became permanently and completely disabled, the appellant filed a petition claiming compensation of Rs.36,00,000/- in total. The Tribunal through the impugned order held that she is entitled to a sum of Rs.12,46,557/- as compensation. The version of the appellant is that the compensation granted by the Tribunal is grossly low.

04. Arguing the matter, learned counsel for the appellant contended that the appellant as an information technology analyst at the TCS Company, Electronics City was earning around Rs.80,000/- per month as on the date of accident. Due to the injuries sustained she could not attend her duties for considerable period. During the course of treatment, she underwent multiple surgeries. PW.3 deposed before the Tribunal that the disability in respect of whole body is 27%. But the Tribunal failed to award any compensation towards loss of future earnings.



Learned counsel further submitted that the compensation granted by the Tribunal under all heads is on lower side and therefore, allowing the appeal, compensation claimed by the claimant is required to be granted.

05. On the other hand, learned counsel who represented respondent No.1 contended that appellant has not sustained any loss financially due to the injuries sustained. Thus, appellant is not entitled for any amount towards loss of future earnings. Learned counsel also stated that in case this Court is of the view that compensation granted by the Tribunal under different heads is on lower side, there may be marginal enhancement.

06. The Tribunal held that the appellant is entitled to a sum of Rs.45,000/- towards pain and suffering, Rs.31,122/- towards medical expenses, Rs.9,200/- towards food, extra nourishment and attendant charges, Rs.10,000/- towards conveyance charges, Rs.10,91,235/- towards loss of income during laid up period, Rs.20,000/-



for loss of future amenities and Rs.40,000/- towards future medical expenses.

07. The version of the appellant is that she is entitled to compensation for loss of future earnings. The appellant who examined herself as PW.1 made a clear mention during cross-examination that after the accident she is earning Rs.82,000/- per month and holding the same job. As per her version by the date of accident she was earning Rs.79,243/- per month. Thus, as rightly contended by learned counsel for respondent No.1, the income got increased slightly. Thus, at any cost it cannot be held that there is loss of future earnings. However, the point that has to be noted is that as per the evidence of PW.3, the appellant suffers with 27% disability in respect of whole body. Thus, with such disability she has to eke out her rest of life and she has to attend her duties. Therefore, this Court is of the view that the compensation



granted by the Tribunal towards loss of amenities in life i.e., Rs.20,000/- is on lower side.

08. Having considered the nature of injuries sustained and the treatment taken, including the surgery, this Court is of the view that compensation granted towards pain and suffering, towards food, extra nourishment and attendant charges is also on lower side. Therefore, this Court considers desirable to award an additional sum of Rs.1,00,000/- which covers the compensation for pain and suffering, food, extra nourishment, attendant charges and deprivation of future amenities. Therefore, the appeal is disposed of with the following :-

ORDER

- I. The appeal is allowed in part.
- II. Compensation that is granted by the Motor Accident Claims Tribunal, Bangalore through orders in MVC.No.4241/2018 dated 01.01.2022 is enhanced by Rs.1,00,000/-



- III. The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- IV. Respondent No.1 is directed to deposit the enhanced sum within a period of 8 weeks from the date of receipt of certified copy of this judgment.
- V. On such deposit, appellant is permitted to withdraw the same.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

KJJ
List No.: 19 SI No.: 1
CT:SI