



CNR: KAHC010304492023

NC: 2026:KHC:42152
MFA No. 4200 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.4200 OF 2023(MV-I)

BETWEEN:

MANJUNATH,
S/O PAPEGOWDA,
AGED ABOUT 56 YEARS,
R/AT MACHONGANAHALLI,
BALLENHALLI POST,
BOOKANAKERE HOBLI,
KRISHNARAJAPETE TALUK – 571 426.
REPRESENTED THE APPELLANT BY HIS
WIFE LEELAVATHI M.S.,
W/O MANJUNATH.

...APPELLANT

(BY SRI. PRAKASHA H.C., ADVOCATE)

AND:

1. RANGARAJU B.R.,
S/O RANGEGOWDA,
MAJOR,
R/AT NO.3, BETTADHA HOSURU,
BOOKANAKERE HOBLI,
KRISHNARAJAPETE TALUK – 571 426.
(OWNER OF PASSION PRO
M/C KA-54 H-4760)
2. THE MANAGER,
UNITED INDIA INSURANCE COM. LTD.,

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



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DIVISIONAL OFFICE,
NO. 1134, DEVARU MANSON,
PRINCE OF WALES ROAD,
BALLAL CIRCLE,
CHAMARAJAPURAM,
MYSURU - 570 005.
(INSURER OF PASSION
PRO M/C KA-54 H-4760)

...RESPONDENTS

(BY SRI. SHANKARA REDDY, ADVOCATE FOR R2,
VIDE ORDER DATED 09.10.2025 NOTICE TO
R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:06.07.2022
PASSED IN MVC NO.884/2018 ON THE FILE OF THE PRL.
JUDGE, COURT OF SMALL CAUSES AS A PRESIDING OFFICER,
MACT, MYSURU, 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 under Section 173(1) of Motor Vehicles
Act, 1988, by Claimant in M.V.C No.884/2018, calling in
question the Judgment and Award dated 06.07.2022



passed by the Principal Judge, Court of Small Causes and Motor Accidents Claims Tribunal, Mysuru¹, seeking enhancement of compensation.

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

3. Heard Prakash.H.C, learned counsel appearing for the Claimant and Sri.C. Shankara Reddy, learned counsel appearing for respondent No.2- United India Insurance Company Limited. Vide order dated 09.10.2025 notice to respondent No.1 dispensed with.

4. Sri.Prakash.M.H., learned counsel with all vehemence submits that the Tribunal ought to have awarded appropriate compensation under the head pain and suffering in view of injuries suffered and treatment resulting in surgery. The claimant has suffered the following injuries:

¹ "Tribunal" for short



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- 1) *Sutured wound on the right parietal region*
- 2) *Sub Dural hematoma Gliosis of left fronto temporal lobes.*
- 3) *Fracture of Zygomatic arch, temporal and parietal region on right side.*
- 4) *Left Large frontoparieto temporal sub Dural hematoma with mass effect.*

5. Learned counsel further submits that as per wound certificate at Ex.P8 petitioner sustained injuries stated supra and as per Ex.P12 – Discharge summary, the claimant was an in-patient for a period from 21.01.2018 to 27.04.2018, wherein he was diagnosed to have sustained "*Left Large frontoparieto temporal sub Dural hematoma with mass effect*". Further, he underwent surgery for left FTP decompressive craniotomy with evacuation of SDH and elective tracheotomy was done on 09.02.2018 and was administered other conservative treatment and advised for regular follow up treatment. Further, the claimant took treatment for the periods from 21.10.2018 to 27.10.2018



and 27.05.2019 to 01.06.2019 and underwent Re exploration with Bone flap removal with wound debridement with primary closure on 29.05.2019.

6. The learned counsel submits that the Tribunal ought to have considered the evidence of Doctor-PW.2, wherein he has stated that the claimant has suffered permanent physical disability at 90% to whole body, due to traumatic brain injury and he has socio adaptive dysfunction of 90%, despite this medical evidence the Tribunal has taken disability at 45%. Further, he submits that in view of 90% disability, he was required to be taken care at least by an attendant throughout his life. This has not been considered by the Tribunal while awarding compensation. So also he submits that the compensation awarded under other heads are all negligible and requires re-consideration. With this, he sought to allow the appeal and enhance the compensation.



7. Refuting the submissions, Sri.C.Shankara Reddy, with all vehemence submits that the Tribunal considered the income at the rate of Rs.13,750/- and considered 45% disability towards loss of future earning and awarded Rs.8,17,000/-, towards pain and sufferings Rs.85,000/-, towards medical expenses Rs.9,88,000/- and awarded appropriate compensation under all other heads, which is just and proper and does not require any interference at the hands of this Court.

8. Having heard the rival submissions, perused the entire appeal paper as well as Trial Court record.

9. The age of the claimant was 51 years at the time of accident, the appropriate multiplier applicable is '11' and the same has been considered by the Tribunal.

10. Since the claimant suffered 100% disability and crippled of his day to day affairs and would require service of an attendant throughout his life, in view of law laid down by the Hon'ble Apex Court in **KAJAL VS. JAGDISH**



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CHAND reported in **AIR 2020 SC 776** and followed by the Division Bench of this Court in the case of **SATTAR MUJAHID KHAN S. VS. ROYAL SUNDARAM ALL INSURANCE CO. LTD AND OTHERS** in M.F.A.No.7623/2022 and other connected matters disposed on **13.03.2026** is required to be applied in the case on hand and the compensation shall be reassessed and awarded appropriate compensation. The Medical evidence supported by oral evidence of the Doctor lucidly indicates that the functional disability suffered is 100% when compared to the avocation the claimant he was discharging prior to the accident. In view considering 100% functional disability, the claimant requires appropriate future medical expenses. In view of the same, the compensation awarded by the Tribunal requires reconsideration.

11. Accordingly, this Court proceeds to reassess the compensation which is as follows:



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Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and Sufferings	85,000-00	3,00,000-00
2.	Loss of amenities and happiness and frustration of life	75,000-00	3,00,000-00
3.	Medical expenses and hospital charges	9,88,000-00	9,88,000-00
4.	Loss of earning during laid up period	75,000-00	-
5.	Towards Food and nourishment and other sundry expenses	70,000-00	70,000-00
6.	Loss of future earnings	8,17,000-00	20,62,500-00 (12,500+25% X 12x11)
7.	Future medical expenses	50,000-00	2,00,000-00
8.	Towards attendant charges (8000X12X11)	-	10,56,000-00
	TOTAL	21,60,000-00	49,76,500-00

12. Accordingly, the claimant is entitled for re-assessed compensation of **Rs.28,16,500/-** (Rs.49,76,500 – 21,60,000) rounded off to **Rs.28,17,000/-** shall carry interest at the rate of 6% from the date of petition till realization.

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



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ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The claimant is entitled for enhanced compensation of ***Rs.28,17,000/-*** with interest @ 6% per annum from the date of petition till realization, by modifying the Judgement and Award dated 06.07.2022 in MVC No.884/2018 passed by the Tribunal.
- (iii) Respondent No.2-Insurer shall deposit the enhanced compensation along with accrued interest within six weeks from the receipt of certified copy of this order.
- (iv) Upon deposit, the Tribunal shall release 25% of the amount to the claimant on proper identification and deposit the balance 75% in an interest bearing FDR with any Nationalized Bank, for a period of 5 years. The Bank shall



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not permit any loan on the amount in deposit,
without an order by the Court/Tribunal.

- (v) The trial Court record shall be transmitted
forthwith to the concerned Tribunal without
causing any delay.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 26
ct-vn