



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 1136 OF 2019 (MV)

BETWEEN:

SRI ANIL KUMAR V.,
S/O VENKATESH,
AGED ABOUT 31 YEARS,
OCC: AGRICULTURE AND CENTERING WORK,
R/O AVUKA ROAD,
KRMMACHCHI POST,
GARTHIKERE,
HOSANAGAR TALUK-577201
SHIMOGGA DISTRICT.

...APPELLANT

(BY SRI. MANOJ M. NAIK, ADVOCATE FOR
SRI.NAGARAJAPPA A., ADVOCATE)

Digitally signed **AND:**
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA

1. RAJU K. S.,
S/O KUTTI,
AGED ABOUT 45 YEARS,
R/O SHABAREESHA NAGAR,
BARUVE, RIPPONPETE,
HOSANAGAR TALUK-577201
DISTRICT SHIVAMOGGA.
2. SRI RAMESHA H. S.,
S/O H R SHREENIVAS,
AGED ABOUT 35 YEARS,
R/O NEAR COLLEGE,



RIPPONPETE,
HOSANAGAR TALUK-577201
DISTRICT SHIVAMOGGA.

3. THE BRANCH MANAGER
UNIVERSAL SOMPO GENERAL
INSURANCE COMPANY LIMITED,
REGISTERED OFFICE 201-208, KRISTEL PLAZA
INFINITY COMPLEX, OPPOSITE LINK ROAD,
ANDERI WEST MUMBAI-400058.

...RESPONDENTS

(BY SRI. B.C. SHIVANNEGOWDA, ADVOCATE FOR R3;
R1 AND R2 ARE SERVED AND UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.07.2018 PASSED IN MVC
NO.298/2017 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE, JMFC, ADDITIONAL MACT-10, SAGAR, ITINERARY
HOSANAGAR, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri.Manoj M Naik, who represents Sri.Nagarajappa learned counsel on record for the appellant as well as Sri.B.C.Shivannegowda learned counsel for respondent No.3.

2. Challenge in this appeal is the award that is passed by the Additional Motor Accident Claims Tribunal, Hosanagar in MVC No.298/2017 dated 13.07.2018. This is a claimant's appeal.

3. The appellant, who admittedly sustained grievous injuries in a road traffic accident that occurred in the year 2016, filed a petition claiming compensation of Rs.19,25,000/- in total. The verdict of the Tribunal is that the appellant is entitled to a sum of Rs.7,94,821/- as compensation.

4. Arguing the matter, learned counsel for the appellant submits that, appellant sustained multiple grievous injuries in the road traffic accident. As an



agriculturist as well as a Mason, the appellant was earning Rs.25,000/- per month by the date of accident. However, Tribunal took the notional income of the appellant as Rs.9,000/- per month. Learned counsel states that the accident occurred in the year 2016 and for the relevant period Karnataka State Legal Services Authority is taking the notional income as Rs.9,500/- per month and at least said figure should have been adopted by the Tribunal. Learned counsel also states that compensation granted under all heads is on lower side. Learned counsel thereby seeks for awarding compensation that is claimed by the appellant.

5. Vehemently opposing the submission thus made, learned counsel for respondent No.3 contends that exorbitant amount was granted as compensation by the Tribunal under all heads. Learned counsel states that no evidence whatsoever was produced by the appellant that he is required to spend any amount towards future medical expenses. However, Tribunal granted a sum of



Rs.1,20,000 towards future medical expenses. Learned counsel also states that without basis Tribunal granted a sum of Rs.1,00,000/- towards pain and suffering. Learned counsel thereby seeks to dismiss the appeal.

6. The appellant succeeded in establishing that he sustained two punctured wounds over right forearm, fracture of right maxilla and bilateral nasal bones, left femur open fracture, left radius and ulna fracture with dorsal subluxation of left wrist, closed head injury and left zygomatic complex fracture. He also established that the wounds over right forearm are simple in nature and the rest of injuries are grievous in nature.

7. Subjecting the evidence of PWs.1 and 2 and Ex.P7, P9 to P93 to scrutiny, the Tribunal came to a conclusion that the appellant is entitled to a sum of Rs.1,00,000/- as compensation for pain and suffering, Rs.10,000/- towards loss of amenities in life, Rs.3,47,000/- towards medical expenses, Rs.1,20,000/-



towards future medical expenses, Rs.6,000/- towards attendant charges, Rs.5,000/- for special food, Rs.30,000/- towards conveyance charges and Rs.1,40,821/- towards loss of future earnings. As rightly contended by learned counsel for the appellant, the Tribunal ought to have taken the notional income as Rs.9,500/- per month instead of Rs.9,000/- per month. Also, Tribunal failed to grant any compensation towards loss of earnings during laid up period. As rightly contended by learned counsel for respondent No.3, the compensation granted towards future medical expenses is exorbitant. Thus, considering all these aspects this Court is of the view that it would be wholly justifiable in case an additional sum of Rs.50,000/- is awarded as compensation so that total sum which the appellant receives will meet the ends of justice. Therefore, the appeal is disposed of with the following:

ORDER

- (i) Appeal is allowed in part.



- (ii) Compensation that is granted by the Additional Motor Accident claims Tribunal, Hosanagar through orders in MVC No.298/2017 dated 13.07.2018 is enhanced by Rs.50,000/-.
- (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.3 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- (v) On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE