



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 4965 OF 2015 (MV-I)

BETWEEN:

SRI LOKESH M
S/O MUNISWAMAPPA,
AGED ABOUT 36 YEARS,
R/O NO.283, S.K.I.G. 24TH BLOCK,
3RD MAIN, 6TH A CROSS,
YALAHANKA UPANAGAR, 5TH STAGE,
BANGALORE-560 064.

...APPELLANT

(BY SRI. PRAKASHA H.C., ADVOCATE FOR SRI. ANIL
KUMAR.,ADVOCATE)

AND:

1. THE REGIONAL MANAGER
ICICI LOMBARD GEN. INS. CO. LTD.,
"PRESTIGE CORNICHE",
NO.62/1, 2ND FLOOR, RICHMOND ROAD
BANGALORE-560 025
(POLICY NO.3004/58356142/00/00 VALID FROM 19-12-
2009 18-12-2010).
2. GANESH K.S.
S/O K.N.SHESHAPPA,
NO.265, SMIG, 17TH B BLOCK,
SHIRKE APARTMENTS, 5TH PHASE,
YELAHANKA NEW TOWN,
BANGALORE-560 064.

RESPONDENTS

(BY SRI. B.C SHIVANNE GOWDA.,ADVOCATE FOR R1;
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 03.12.2011 PASSED IN MVC
NO.4587/2010 ON THE FILE OF THE XXII A.C.M.M & XXIV

Digitally
signed by
NIRMALA
DEVI
Location:
HIGH
COURT OF
KARNATAKA



ADDITIONAL SMALL CAUSES JUDGE, MACT, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC,.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

The above appeal is filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988¹ challenging the judgment and award dated 03.12.2011 passed in MVC.No.4587/2010 by the learned Motor Accident Claims Tribunal XXXIV Additional, Small Causes Judge, Bangalore², wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹43,000/- together with interest at 6% per annum. Being aggrieved by the same, the present appeal is filed by the claimant seeking for enhancement of compensation.

2. The findings of the Tribunal on negligence and liability are not under challenge and the same have attained finality. Hence, the only question that is required to be considered in the present appeal is with regard to the adequacy of the quantum of compensation awarded.

¹ Hereinafter referred to as 'Act of 1988'

² Hereinafter referred to as 'Tribunal'



3. The claimant was aged 31 years as on date of the accident i.e. as on 29.03.2010. The claimant was stated to be an electrician. However, no documents have been produced to demonstrate his income. The Tribunal has assessed his income at ₹3,000/- per month. Having regard to the date of the accident, the notional income of the claimant is to be re-assessed as ₹5,500/- per month.

4. The claimant sustained fracture of left clavicle, left acromion and left glenoid. He was treated as an inpatient for 1 day and treated conservatively. The claimant produced medical bills for a sum of ₹4,110/- and accordingly the Tribunal has awarded a sum of ₹4,300/- towards medical expenses, food and conveyance. 15 days was construed as the laid up period and ₹1,500/- was awarded towards loss of income. ₹22,000/- was awarded towards pain and agony. The Tribunal also noticed that, PW.1 has admitted that there was no fracture and it was only a dislocation of the left shoulder. The Doctor was examined as PW.3 who assessed the disability at 10% to the whole body. However, PW.3 was not the treated Doctor. The PW.3 in the cross-examination has admitted that, the fracture of clavicle and acromion are united. However, there was



malunion of the left glenoid. The Tribunal awarded a sum of ₹15,000/- towards disability and ₹5,000/- towards loss of amenities.

5. Having regard to the factual matrix as noticed above, in the considered opinion of this Court, it is just and proper that, a further compensation of ₹25,000/- be awarded in full and final settlement of the claim of this appellant in the present appeal.

6. The Tribunal had recorded a finding that the appellant/claimant was negligent to the extent of 10% and hence, deducted 10% of the compensation amount. Accordingly, out of the further compensation re-assessed at ₹25,000/-, 10% is required to be deducted and hence the appellant will be entitled to further compensation of ₹22,500/- together with interest at 6% per annum in addition to the compensation awarded by the Tribunal.

7. Hence, the following:

ORDER

- i) The appeal is ***allowed-in-part***;
- ii) The judgment and award dated 03.12.2011 passed in MVC.No.4587/2010 by the learned Motor Accident Claims Tribunal XXXIV Additional,



Small Causes Judge, Bangalore, is modified to the extent stated herein. In all other respects, the judgment and award of the Tribunal remains unaltered;

- iii) The appellant/claimant is entitled to further compensation of ₹22,500/- together with interest at 6% per annum from date of petition till date of payment (excluding a period of 1169 days, having regard to the order dated 12.03.2026 passed in the present appeal) in addition to the compensation awarded by the Tribunal;
 - iv) Respondent No.1 - Insurer shall deposit the compensation awarded together with accrued interest within a period of six weeks;
 - v) Upon such deposit, the entire enhanced compensation together with interest accrued thereupon be disbursed digitally to the claimant;
 - vi) The Registry to draw the modified award accordingly;
- No costs.

Sd/-
(C.M. POONACHA)
JUDGE