

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.3748 OF 2025 (MV-I)

BETWEEN:

MR. PRAKASH N.S.
S/O SHIVARUDRAIAH.
AGED ABOUT 58 YEARS.
R/AT NO.25. 1ST MAIN ROAD,
4TH CROSS, JAKKASANDRA,
BENGALURU SOUTH,
BENGALURU - 560 034.

...APPELLANT

(BY SRI. GIRISH, ADVOCATE)

AND:

1. MR ESHAN AARAV KASHYAP,
MAJOR,
S/O. SACHIDANANDA KASHYAP,
NO.B-204, ADARSH PALACE.
47TH CROSS, 5TH BLOCK.
JAYANAGAR,
BENGALURU - 560 041.

2. THE MANAGER,
THE UNITED INDIA INSURANCE
COMAPANY LTD.,
REGIONAL OFFICE NO.18,
KRISHI BHAVANA,
NRUPATUNGA ROAD,
HUDSON CIRCLE,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI. YASHAVANTHASWAMY A M., ADVOCATE FOR R1,
SRI.B.A RAMAKRISHNA, ADVOCATE FOR R2)

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by SOWMYA
DODDAMARAIAH
Location: HIGH
COURT OF
KARNATAKA

THIS MFA IS FILED U/S.173 (1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.10.01.2025 PASSED IN MVC NO.5984/2023 ON THE FILE OF THE XIV ADDITIONAL SCJ AND ACJM, MEMBER, MACT, BENGALURU SCCH-10, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.06.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

This appeal is by the appellant/claimant seeking for enhancement of compensation arising out of judgment and award dated 10.01.2025 in MVC No.5984/2023, passed by the Court of XIV Additional Small Causes Judge, A.C.J.M. & Member, Motor Accident Claims Tribunal, Bengaluru (SCCH-10) (for short, 'Tribunal').

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

3. The brief facts of the case are that:-

On 24.06.2023 at about 9.50 a.m., the petitioner was standing in front of Balaji Medical Stores to cross the

road at Jayanagar, Bengaluru, at that time, the rider of the Motor Cycle bearing Reg.No.KA-05-EF-3006 came in a rash and negligent manner and dashed against the petitioner. Due to which, the petitioner sustained grievous injuries. He was shifted to Jayanagar Orthopaedic Centre, Bengaluru, wherein he took treatment as an inpatient from 24.06.2023 to 26.06.2023. Hence, filed claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking for compensation of Rs.15,00,000/-.

4. After issuance of notice, the respondent Nos.1 and 2 have appeared through their respective counsel and filed their written statements respectively.

5. In order to substantiate the case of the petitioner, the petitioner got himself examined as PW-1 and examined two witnesses as PWs-2 and 3 and got marked documents at Exs.P1 to P18. On the other hand, respondent No.2 examined its Administrative Officer as RW-1 and got marked documents as Exs.R.1 and 2.

6. On the basis of the pleadings of the parties, the Tribunal framed the issues and held that the Insurance Company is liable to pay total compensation of Rs.2,62,000/- with interest at the rate of 6% per annum from the date of petition till realization and recover the same from the respondent No.1 – owner of the offending vehicle.

7. Learned counsel for the appellant submits that as per Ex.P.8 – wound certificate, appellant has sustained following injuries:-

"The heads under which compensation is quarded in personal injury cases are the following;

Pecuniary damages (special damages)

(i) Expenses relating to treatment, (1) hospitalization, Medicines, transportation, nourishing food and miscellaneous expenditure.

Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising):

Loss of earning during the period of treatment;

b. Loss of future earning on account of permanent disability.

Future Medical expenses.

Non-pecuniary damages (general damages)

Damages for pain, suffering and trauma as a consequence of the injuries.

Loss of amenities (and / or loss of prospects of marriage)

Loss of expectation of life (shortening of normal longevity)."

8. As per Ex.P.14 – case sheet, petitioner was treated as an inpatient for a period of 03 days in Jayanagar Orthopaedic Centre, Bengaluru. The Tribunal has not properly considered the case of the appellant and awarded meager compensation under all heads, which require enhancement. Accordingly, sought to allow the appeal and enhance compensation by modifying the judgment and award passed by the Tribunal.

9. Refuting the submissions of learned counsel appearing for the appellant, learned counsel for the respondents submits that the Tribunal after considering entire material placed before it, awarded appropriate compensation. The compensation awarded by the Tribunal is just and proper and does not call for any interference at the hands of this Court. Accordingly, sought to dismiss the appeal.

10. Heard the learned counsel appearing for the appellant and the respondents and perused entire material on record.

11. It is not in dispute that appellant has sustained fractures stated *supra*. The appellant has examined the treated Doctor as PW-3, who has stated that the petitioner has suffered disability to an extent of 16.01% to the whole body. Considering the nature of injuries and the evidence of PW-3 – Doctor, the Tribunal has erred in assessing the disability of the appellant. Hence, it is just and proper to take disability at 13% to the whole body. The Tribunal has taken income of the claimant at Rs.16,000/- per month, which is as per the chart prepared by the Karnataka State Legal Services Authority. The appellant was aged about 56 years at the time of accident. Hence, multiplier applicable is '9'. Hence, a sum of **Rs.2,24,640/-** (16,000 x 12 x 9 x 13%) is awarded under the head 'loss of future income due to disability'.

12. The Tribunal has awarded a sum of Rs.25,000/- under the head 'Pain and sufferings'. Considering the nature of injuries and fractures sustained by the claimant, a sum of **Rs.30,000/-** is awarded under the said head.

13. The Tribunal has awarded a sum of Rs.25,000/- under the head 'Loss of amenities'. Considering the nature of injuries and fractures sustained by the claimant, a sum of **Rs.30,000/-** is awarded under the said head.

14. In view of the accidental injuries, the claimant would have taken rest atleast for a period of 2 months. Therefore, by taking income at Rs.16,000/- per month and calculating the laid up period for 2 months, the claimant is entitled for a sum of **Rs.32,000/-** (Rs.16,000 x 2), under the head 'loss of income during laid up period'.

15. The compensation amount awarded under other conventional heads by the Tribunal is just and proper and does not call for any interference.

16. In all, the total compensation re-determined by this Court under various heads is as follows:

1.	Medical expenses	:	Rs.	9,200/-
2.	Pain and sufferings	:	Rs.	30,000/-
3.	Nourishment and diet food	:	Rs.	10,000/-
4.	Loss of Future earning capacity due to permanent disability	:	Rs.	2,24,640/-
5.	Loss of amenities	:	Rs.	30,000/-
6.	Future medical expenses	:	Rs.	20,000/-
7.	Loss of income during laid up period	:	Rs.	32,000/-
	TOTAL	:	Rs.	3,55,840/-

17. On re-determination, the appellant is entitled for total compensation of **Rs.3,55,840/-** as against Rs.2,62,000/- along with interest at the rate of 6% per annum from the date of petition till realization. As per the judgment and award of the Tribunal, the respondent No.2 – Insurance Company is directed to deposit the compensation amount within eight weeks from the date of filing of the petition till realization and recover the same from the owner of the offending vehicle i.e., respondent No.1.

18. Accordingly, I proceed to pass the following:

ORDER

- i) The appeal is ***allowed-in-part***.
- ii) The judgment and award passed by the Tribunal in MVC No.5984/2023 dated 10.01.2025 by the Court of XIV Additional Small Causes Judge, A.C.J.M. & Member, Motor Accident Claims Tribunal, Bengaluru, (SCCH-10) is hereby modified holding that the claimant is entitled for total compensation of **Rs.3,55,840/-** along with interest @ 6% p.a. from the date of petition till its realization.
- iii) The compensation amount along with accrued interest if any, shall be deposited by the respondent No.2 – Insurance Company, within eight weeks from the date of filing of the petition till realization and recover the same from the respondent No.1 – owner of the offending vehicle.

- iv) Upon deposit, entire amount shall be released in favour of appellant on proper identification in terms of award.
- v) No order as to costs.

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

MH/-