



CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR
MISCELLANEOUS FIRST APPEAL NO.3739/2025 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.3753/2025 (MV-D)

IN MFA No. 3739/2025:

BETWEEN:

1. VELAYTHAN KRISHNAN
S/O KRISHNAN
AGED ABOUT 67 YEARS
R/AT NO.7/178, AROKKIYAPURAM
WELLINGTON, THE NILGIRIS
TAMILNADU-643101.

...APPELLANT

(BY SRI. SREENIVASAN M.Y. ADV.,)

AND:

1. VIVEK R
S/O RAPIL RAVI
MAJOR, R/AT 14/272
INDRANAGAR, ARUVANKADU
HUBBATHALAI POST, COONOR
NILAGIRIS, TAMILNADU-643101.
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE CO LTD.,
DIVISIONAL OFFICE, NO.2
NO.2912, SRI VENKATESHWARA PLAZA
1ST MAIN, SARASWATHIPURAM
MYSORE-570005.

...RESPONDENTS



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JUDGE, HIGH COURT OF KARNATAKA



CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

(BY SRI. KIRAN M.M. ADV., FOR R1
SMT. MANJULA N. TEJASWI, ADV., FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.02.2025 PASSED IN MVC NO. 139/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, MACT, GUNDLUPET, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 3753/2025:

BETWEEN:

1. RAMU RANGASWAMY
S/O LATE RANGASWAMY
AGED ABOUT 54 YEARS
R/AT NO.330/5, THAREMI
JEGATHALA, THE NILGIRIS
TAMILNADU-643202.
2. SHANTHI
W/O MARIYAPPAN
AGED ABOUT 52 YEARS
R/AT NO.80, ATHIDIRAVIDAR STREET
PALAIUR, KONGARPALAYAM
ERODE, TAMILNADU-638001.
3. RADHAKRISHNAN RANGASWAMY
S/O RANGASWAMY
AGED ABOUT 49 YEARS
R/AT NO.5/331, THAREMI
JEGATHALA, THE NILGIRIS
TAMILNADU-643202.

...APPELLANTS

(BY SRI. SREENIVASAN M.Y. ADV.,)

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

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MYSORE-570005.

...RESPONDENTS

(BY SRI. KIRAN M.M. ADV., FOR R1
SMT. MANJULA N. TEJASWI, ADV., FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.20.02.2025 PASSED IN MVC NO.138/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, GUNDLUPET, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.3739 of 2025 is filed by the claimant/injured seeking enhancement of compensation awarded in the Judgment and Award dated 20.02.2025 passed in MVC

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

No.139/2021. MFA No.3753/2025 is filed by claimants seeking enhancement of compensation awarded in the Judgment and Award dated 20.02.2025 passed in MVC No.130/2021 by Senior Civil Judge and MACT, Gundlupete. (Common Judgment has been passed in MVC No.138/2021 and MVC No.139/2021).

2. Even though appeals are listed today for admission, they are taken up for disposal with the consent of learned counsels appearing for parties.

3. MVC No.139/2021 is filed by claimant praying to award compensation for the injuries sustained by him and MVC No.138/2021 is filed by claimants praying to award compensation for the death of Smt Ammasai Rangasamy in a road traffic accident occurred on 18.01.2021 contending that the accident occurred due to rash and negligent driving of the driver of Maxi Cab bearing registration No.TN-43/J-5783. The Tribunal after recording the evidence of the parties, appreciating the

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

evidence assessed the compensation and awarded compensation under various heads as under:

In MVC No.139/2021 (MFA No.3739/2025)

Sl.No.	Heads	Amount in (Rs.)
01.	Expenditure of medicines and treatment	0
02.	Expenditure of food and nourishment	5,000/-
03.	Expenditure of transportation and attending charges	5,000/-
04.	Loss of earning during the treatment	5,000/-
05.	Future medical expenses	0
05.	Loss of future earning an account of permanent disability	63,000/-
06.	Pain and suffering	5,000/-
Total		83,000/-

In MVC No.138/2021 (MFA No.3753/2025)

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Loss of dependency	4,20,000/-
02.	Towards transportation of dead body and funeral expenses	16,500/-
03.	Towards loss of estate	16,500/-
Total		4,53,000/-

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

4. The Tribunal also awarded interest at the rate of 6% per annum from the date of petition till realization. In both claim petitions, the Tribunal held that the driver of Maxi Cab bearing registration No.TN-43/J-5783 was not holding driving license to drive transport vehicle and on that ground exonerated the insurer (respondent No.2) and held that owner of the Maxi Cab (respondent No.1) is liable to pay the compensation to the claimants. Aggrieved by the said judgment i.e., exonerating the insurer and fastening the liability on the claimants in both claim petitions filed appeals and they have also sought enhancement of compensation awarded by the Tribunal.

5. Heard learned counsel for appellants in both appeals, learned counsel for respondent No.1 -owner and learned counsel for respondent No.2 -insurer.

6. Learned counsel for claimants contended that the driving license extract of the driver of maxi cab –Ex.R2 indicate that he is having driving license to drive non-

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

transport vehicle (LMV -TR) and as per Ex.R3 the unladen weight of the maxi cab is 1840 kg and laden weight is 2875 kg. He placing reliance on the judgment of Hon'ble Apex Court in the case of ***Bajaj Alliance Insurance Company Ltd., Vs Ramba Devi and Ors¹*** would contend that a person holding driving license to drive light motor vehicle can also drive transport vehicle having unladen weight up to 7500 kg. In the case on hand, the unladen weight of the maxi cab is 1840 kg and therefore, there is no violation of conditions of the insurance policy and insurer is liable to pay the compensation amount awarded. He further submits that considering the injuries sustained by the claimant in MVC No.139/2021, the compensation awarded towards pain and suffering is on lower side. The Tribunal has not awarded loss of amenities. As per Ex.P2 - wound certificate, the claimant has sustained fracture of both the bones of left wrist and the C.W.1 -doctor, who has examined the claimant, assessed disability at 30% to

¹ In 2025 (3) SCC 95



CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

the limb and 10% to the whole body. The Tribunal has rightly taken the disability at 10%. He further submits that the accident has taken place in the year 2021 and notional income fixed for the said year is Rs.15,000/- per month. The said income is to be taken as against Rs.10,500/- per month as taken by the Tribunal. The Tribunal has rightly applied multiplier '5' since the age of the claimant is 68 years. With these, he prays to allow the appeal in MFA No.3739/2025.

7. Learned counsel for appellants in MFA No.3753/2025 would contend that claimants are two sons and a daughter of the deceased and they have not been awarded with consortium and therefore, they are entitled to consortium in a sum of Rs.44,000/- each. With these, he prays to allow the appeal and enhancement of compensation.

8. Learned counsel for respondent No.2 -insurer in both appeals would contend that the compensation

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

awarded in both the claim petition is just and proper and there are no grounds for enhancement. She fairly admits that the proposition laid down in the said judgment relied upon by learned counsel for the appellant that driver holding a driving license to drive light motor vehicle can drive transport vehicle having unladen weight up to 7500 kgs.

9. Learned counsel for respondent No.1 would contend that the Tribunal in another case arising out of the same accident in MVC No.225/2021 has fastened the liability on the insurer.

10. Having heard learned counsels, the Court has perused impugned judgment, award and other materials placed on record.

11. The following points arise for consideration:

- i) Whether the Tribunal has erred in exonerating insurer on the ground that he is

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

not holding valid driving license as on the date of accident?

- ii) Whether there are any grounds for enhancement of compensation in MVC No.139/2021?
- iii) Whether there are any grounds for enhancement of compensation awarded in MVC No.138/2021?

Reasons to Point No.1: The accident occurred on 18.01.2021. Respondent No.1 -Vivek R was driving the Maxi Cab bearing registration No.TN-43/J-5783 at the time of the accident. Ex.R2 is the extract of driving license of respondent No.1 -Vivek R. As per it, he is having driving license to drive LMV-TR. The said license was valid as on the date of accident. Ex.R3 is certificate of registration of Maxi Cab bearing registration No.TN-43/J-5783 wherein its unladen weight is 1840 kg and laden weight is 2875 kg. In view of the decision of Hon'ble Apex Court in the case of ***Bajaj Alliance(supra)***, the person holding driving license

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

to drive light motor vehicle can drive transport vehicle having unladen weight up to 7500 kg. Since insured vehicle is having unladen weight of 1840 kg, the driver – Vivek R., is having valid driving license to drive it and there is no violation of any policy conditions. Therefore, insurer is liable to pay the compensation awarded by the Tribunal in both appeals. Accordingly, point No.1 is answered.

12. **Reasons to Point No.2:** The claimant was aged 68 years as on the date of accident. The notional income fixed for the year 2021 is Rs.15,000/- per month and said income is to be taken as against Rs.10,500/- as taken by the Tribunal. The Tribunal has taken disability at 10%. The said disability has not been challenged by the claimant. In view of the said, the claimant is entitled to loss of future income due to disability as under:

$$\text{Rs.15,000/-} \times 12 \times 5 \times 10\% = \text{Rs.90,000/-}$$

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

As per Ex.P12 wound certificate, the claimant has sustained fracture of both the bones of left wrist. Considering the said injury, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.5,000/- is enhanced to Rs.60,000/-. The claimant is entitled to loss of amenities in a sum of Rs.50,000/- which is not awarded by the Tribunal. Considering the age and injuries sustained by the claimant, the Tribunal has rightly awarded food and nourishment in a sum of Rs.5,000/-. Considering the said injuries, the claimant has to take rest at least for 02 months and therefore, he is entitled to loss of income during laid up period in a sum of Rs.30,000/- (Rs.15,000/- x2 months) as against Rs.5,000/- as awarded by the Tribunal.

13. In view of the above, the claimant is entitled to total compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	60,000/-

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

02.	Towards loss of amenities	50,000/-
03.	Towards loss of income during laid up period	30,000/-
04.	Towards Food and nourishment	5,000/-
05.	Towards loss of future income	90,000/-
Total		2,35,000/-

The claimant is entitled to total compensation of Rs.2,35,000/- as against Rs.83,000/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,32,000/- with interest at the rate of 6% per annum from the date of petition till realization. Accordingly point No.2 is answered.

14. **Reasons to Point No.3:** The claimants are two sons and a daughter of the deceased. The Tribunal has not awarded consortium to the claimants. Considering that the claimants are two sons and a daughter they are entitled to consortium in a sum of Rs.44,000/- each i.e., Rs.1,32,000/-. The claimants have not sought enhancement compensation under other heads. Therefore,

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

the claimants are entitled to enhanced compensation of Rs.1,32,000/- with interest at the rate of 6% per annum from the date of petition till realization. Accordingly, point No.3 is answered.

15. In view of the above, respondent No.2 -insurer in both appeals is liable to pay the compensation awarded by the Tribunal and also enhanced compensation awarded by this Court.

16. In view of the above, the following

ORDER

- i) Both appeals are ***allowed.***
- ii) The finding of the Tribunal exonerating the insurer from payment of compensation amount is set aside.
- iii) The insurer is liable to pay compensation awarded by the Tribunal and enhanced compensation awarded by this Court.
- iv) The appellant -claimant in MFA No.3739/2025 is entitled to enhanced compensation of Rs.1,52,000/- with interest at the rate of 6%

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CNR: KAHC010344802025

NC: 2026:KHC:56257
MFA No. 3739 of 2025
C/W MFA No. 3753 of 2025

per annum from the date of petition till realisation.

- v) The claimants in MFA No.3753/2025 are entitled to enhanced compensation of Rs.1,32,000/- with interest at the rate of 6% per annum from the date of petition till realisation.
- vi) The insurer shall deposit the compensation awarded by the Tribunal and enhanced compensation awarded by this Court before the Tribunal within a period of 06 weeks from this day.
- vii) Claimants in both appeals are entitled to release of entire enhanced compensation.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 1 Sl No.: 23