



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 4686 OF 2023 (MV-I)

BETWEEN:

SRI PUNEETH M
S/O MAHADEVA D P
AGED ABOUT 28 YEARS
R/AT NO.49, LIG, 8TH A CROSS
2ND STAGE, KENGERI UPANAGARA
HOYSALA CIRCLE, KENGERI
BANGALORE SOUTH
BENGALURU-60.

...APPELLANT

(BY SRI. K.P. BHUVAN, ADVOCATE)

AND:

1. SRI. RUDRESH H
S/O HONNAGALAI AH
AGED ABOUT 45 YEARS
KARIYAPPANA DODDI
(KANIYAPPANA DODDI)
HALASIMARADA DODDI
BIDADI-MUDWADI ROAD
BIDADI HOBLI
RAMANAGARA TALUK AND DISTRICT-562120.
2. THE NEW INDIA ASSURANCE COMPANY LTD
REGIONAL OFFICE, T P HUB
NO.9/2, MAHALAKSHMI CHAMBERS

Digitally signed
by
VIJAYALAKSHMI
B N



Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:25856-DB
MFA No. 4686 of 2023

M G ROAD, BENGALURU-560001
REPRESENTED BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI. C.R. RAVISHANKAR, ADVOCATE FOR R2;
V/O DATED 13.10.2023, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.01.2023 PASSED IN MVC NO.3361/2021 ON THE FILE OF THE MEMBER, MACT, XVIII ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU, SCCH-4, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE K.MANMADHA RAO)

This Miscellaneous First Appeal is preferred under Section 173(1) of the Motor Vehicles Act, 1988, against the judgment and award dated 02.01.2023 passed in MVC No.3361/2021 on the file of the Motor Vehicles Accident Claims Tribunal, Bangalore (SCCH-04). The appellant-claimant seeks enhancement of the compensation awarded



by the Tribunal for the injuries sustained by him in a road traffic accident.

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 24.07.2021 at about 11.15 p.m., the petitioner was traveling as a pillion rider on a Honda Shine motorcycle bearing registration number KA-41-EK-0322 on the Mysore-Bengaluru, NH-275 road. When the motorcycle arrived near Kadumane Cross, Bidadi Hobli, Ramanagara, an Eicher Terra Tipper Lorry bearing Reg. No.KA-42-A-2723, driven in a rash and negligent manner, hit the motorcycle from behind. As a result of the impact, the petitioner fell to the right side of the road and the wheels of the Tipper Lorry ran over both of his legs, causing severe crush injuries that ultimately, led to bilateral lower limb amputation. Hence, he filed claim



petition under Section 166 of M.V. Act, 1988 seeking for compensation.

4. After issuance of notice, the respondent No.1/owner of the offending vehicle remained absent and was placed *ex-parte*. Respondent No.2/Insurance Company has appeared through its counsel and filed its objection statement denying the petition averments.

5. In order to substantiate the case of the petitioner, the petitioner got himself examined as PW-1 and three witnesses as PWs-2 to 4 and got marked documents at Exs.P1 to P28. On the other hand, respondent No.2 - Insurance Company has examined its official as RW-1 and got marked documents at Ex.R.1 to R.6.

6. The Tribunal based on the material on record, awarded total compensation of ₹77,07,752/- with interest at the rate of 6% per annum from the date of petition till its realization.



7. Learned counsel for the appellant strongly urges that the compensation awarded by the Tribunal is meager and disproportionate to the devastating nature of the injuries. It is submitted that the Tribunal erred by completely omitting to add future prospects to the income of the appellant, despite he suffering from 100% permanent functional disability at a young age. It is further urged that the claimant was an unmarried young man of 28 years whose marriage prospects have been completely obliterated, for which no compensation was provided by the Tribunal. Hence, he is before this Court praying for enhancement of compensation.

8. *Per contra*, learned counsel for the respondent No.2 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.



9. Heard the learned counsel appearing for the appellant and respondent No.2 and perused entire material on record.

10. Having carefully evaluated the submissions of the learned counsel for both parties and meticulously examined the trial court records, the finding of the Tribunal regarding actionable negligence has not been challenged by the insurer and has attained finality. The sole issue before this Court is the adequacy of the quantum of compensation.

11. The claimant was aged about 28 years working as a Medical Sales Representative at Aristo Pharmaceuticals Limited at the time of the accident. The medical evidence presented through the Orthopedic Surgeon (PW-3) and the medical register extracts establishes that the claimant sustained severe crush injury of distal thigh and proximal leg with type-IIIC open fracture (Lt) Proximal Tibia and Fibula (near total



traumatic amputation of knee), severe crush injury of (Rt) ankle and foot with total traumatic amputation of (Rt) forefoot. PW-3 has deposed that petitioner has sustained right side below knee amputee (upper third), stump measuring around 15 cms 70% and left sided above knee amputte (left third) stump measures around 25 cms at 80% and whole body disability at 100%. He is permanently confined to bed and wheelchair, completely dependent on an attendant for day-to-day survival.

12. With regard to 'Loss of Future Earnings and Future Prospects', the Tribunal based on the testimony of the Branch Manager of the employer (PW-4) has correctly determined the income of the claimant at Rs.19,968/- after deduction of professional tax. However, the Tribunal fundamentally misapplied the settled law by failing to add future prospects to the established income. As per the principles laid down by the Hon'ble Apex Court in the case



of ***National Insurance Co. Ltd. v. Pranay Sethi¹***, an addition must be made towards future prospects even in cases of permanent functional disability where the victim survives with 100% disability. For a person aged below 40 years with stable private employment, an addition of 40% towards future prospects is mandatory. Accordingly, the compensation under the head 'loss of future earnings' is re-determined as follows:

$$\text{Rs.}19,968 + 40\% \times 12 \times 17 = 57,02,820/-$$

13. With regard to 'Loss of Marriage Prospects', learned counsel for the appellant has relied upon the decision of the Hon'ble Apex Court in the case of ***S.Mohammed Hakkim v. National Insurance Co. Ltd. & Ors²***. The Tribunal has completely overlooked the fact that the claimant was young bachelor of 28 years at the time of the accident. Due to the traumatic bilateral amputation of his lower limbs, his prospects of leading a

¹ (2017) 16 SCC 680

² (2025 INSC 905)



normal marital life have been entirely destroyed. Hence, in view of the settled principle of law in ***S. Mohammed Hakkim's case*** stated *supra*, it is just and proper to award compensation under the head 'loss of marriage prospects'. Considering the facts and circumstances, it is just and reasonable to award a sum of **Rs.4,00,000/-** towards the 'loss of marriage prospects'. The compensation amount awarded by the Tribunal under all other heads are just and reasonable.

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

Loss of future income	Rs.	57,02,820/-
Loss of marriage prospects	Rs.	4,00,000/-
Attendant charge	Rs.	10,20,000/-
Loss of amenities	Rs.	2,00,000/-
Expenses for prosthesis to wear and tear for life time	Rs.	5,00,000/-
Conveyance charges	Rs.	30,000/-
Pain and sufferings	Rs.	3,00,000/-
Food, nourishment	Rs.	1,00,000/-



Medical bills	Rs.	14,84,280/-
Total Compensation	Rs.	97,37,100/-

15. On re-determination, the appellant is entitled for compensation of **Rs.97,37,100/-** as against Rs.77,07,752/- along with interest at the rate of 6% per annum from the date of petition till realization. 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.

16. Accordingly, we proceed to pass the following:

ORDER

- i) The appeal is ***disposed of.***
- ii) The judgment and award passed by the Tribunal in MVC No.3361/2022 dated 02.01.2023 by the Motor Vehicles Accident Claims Tribunal, Bengaluru, SCCH-4, is hereby modified holding that the claimant is entitled for enhanced compensation of **Rs.97,37,100/-** 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;
- iv) Upon deposit, release of the deposited amount shall be carried out in the same ratio and manner as directed by the Tribunal in the award.
- v) Registry is directed to transmit the TCR along with copy of this judgment to the Tribunal forthwith.
- vi) No order as to costs.

**SD/-
(S.G.PANDIT)
JUDGE**

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

MH/-