



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 3220 OF 2019 (MV-I)

BETWEEN:

SRI. RAMEGOWDA
S/O. MAYANNAGOWDA,
AGED ABOUT 53 YEARS,
R/AT NO.6, JINNENAHALLI,
HIRISAVE, CHANNARAYAPATNA,
HASSAN - 573 124,

PRESENTLY AT:
NO. 35, 5TH CROSS,
5TH MAIN, GKW LAYOUT,
PEENYA 2ND STAGE,
BANGALORE - 560 058.

Digitally signed by
AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

...APPELLANT

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

AND:

1. SRI. PRAKASH
S/O. LATE PUTTEGOWDA,



R/AT NO.S-8, SHREYAS,
SFHS AREA, NANDHINI LAYOUT,
BENGALURU - 560 096.

2. UNITED INDIA INSURANCE CO. LIMITED
REGIONAL OFFICE,
5TH FLOOR, KRUSHI BHAVAN,
NRUPATHUNGA ROAD,
HUDSON CIRCLE,
BANGALORE - 560 027.

...RESPONDENTS

(BY SRI. MOHAN KUMAR T, ADVOCATE FOR R2;
VIDE ORDER DATED 07.11.2023, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 28/09/2018, PASSED IN MVC
NO.5065/2017, ON THE FILE OF THE II ADDITIONAL JUDGE &
XXVIII ACMM., COURT OF SMALL CAUSES, BENGALURU (SCCH-
13), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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



CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri.Basavaprabhu who represents Sri. K. P. Bhuvan learned counsel on record for the appellant as well as Sri. Mohan Kumar T learned counsel for respondent No.2.

2. This appeal is the outcome of the award passed by the Motor Accident Claims Tribunal, Bangalore in MVC No.5065/2017 dated 28.09.2018. This is a claimant's appeal.

3. The appellant projecting that he sustained grievous injuries in a road traffic accident that occurred in the year 2016 and became permanently and completely disabled filed a petition claiming compensation of Rs.8,00,000/- in total. The tribunal through the impugned order held that appellant is entitled to a sum of Rs.1,58,560/- as compensation. The contention of the appellant is that sum thus granted is grossly low.

4. Arguing the matter, learned counsel for the appellant contended that the evidence of PW2 goes to show that the disability is 25% but Tribunal erroneously took the disability in



respect of whole body as 8%. Learned counsel also stated that the Tribunal has not awarded justifiable sum under any head and therefore this appeal is filed.

5. Vehemently opposing the submission thus made learned counsel for respondent No.2 stated that appellant failed to produce any proof with regard to his occupation and earnings as on the date of accident. The notional income that has to be considered for the relevant period is Rs.9,500/-only but tribunal took the notional income as Rs.10,000/- per month and awarded exorbitant sum as compensation. Learned counsel states that there are no grounds for further enhancement and therefore the appeal is required to be dismissed.

6. As rightly contented by learned counsel for respondent No.2 appellant failed to produce any proof in respect of his occupation and earnings as on the date of accident.

7. By all the evidence produced, appellant could establish that he sustained undisplaced fracture of bilateral zygomatic arch, which is grievous in nature and apart from that, he also sustained two other simple injuries. Tribunal took the disability



in respect of whole body as 8% considering the totality of evidence produced and therefore said observation requires no interference. Thus the sum granted towards loss of future earnings by the tribunal cannot be termed to be on lower side.

8. Tribunal granted a sum of Rs.40,000/- towards pain and suffering, Rs.67,200/- towards loss of future earnings, Rs.11,360/- towards medical expenses, Rs.20,000/- for conveyance, nourishment and food and Rs.20,000/- for loss of amenities in life. Total sum awarded as compensation is Rs.1,58,560/-. However, Tribunal has not awarded any compensation for the loss which the appellant would have sustained financially during the period he took treatment as inpatient and while he was under bed rest.

9. Having considered the nature of injuries sustained, this Court is of the view that appellant would have taken bed rest at least for a period of 3 months. Thus, loss of earnings during laid up period comes to Rs.30,000/- (10,000 x 3). Also tribunal failed to award any compensation for the expenditure which the appellant could have incurred for an attendant during the period of treatment until his recovery, this Court is of the view



that appellant is entitled to a sum of Rs.5,000/- towards attendant charges. The compensation granted under all other heads is reasonable and therefore requires no interference.

10. Thus the total sum which appellant is entitled to receive in addition to the sum that is awarded by the tribunal is Rs.35,000/- (30,000 + 5,000). Therefore the appeal is disposed of with the following:-

ORDER

- i. Appeal is allowed in part.
- ii. Compensation granted by the Motor Accident Claims Tribunal, Bangalore through orders in MVC No.5065/2017 dated 28.09.2018 is enhanced by Rs.35,000/-.
- 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.2 is directed to deposit the enhanced sum within a period of 8 weeks from



the date of receipt of certified copy of the judgment.

- v. On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 7