



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**MISCELLANEOUS FIRST APPEAL NO. 2486 OF 2018 (MV-I)**

**BETWEEN:**

SRI. RAVI. A. S.  
S/O. SHIVANNA,  
AGED ABOUT 27 YEARS,  
R/AT NO. 4504,  
THIBBADEVI TEMPLE ROAD,  
N.R. MOHALLA, MYSURU.

...APPELLANT

(BY SMT. VAIBHAVI, ADVOCATE FOR  
SRI. K.S. NARAYANASWAMY, ADVOCATE)

**AND:**

1. SRI. JAIRAJ. K. S.  
S/O. SRINIVASA,  
AGED ABOUT 38 YEARS,  
R/O. KALYANAPURA,  
SOLURU POST, MAGADI TALUK,  
RAMANGARA DISTRICT - 577 125.
2. SRI. PRADEEP  
S/O. VENKATESH,  
AGE: MAJOR,  
R/O. CHIKKASOOLURU,  
MAGADI TALUK,  
RAMANGARA DISTRICT - 577 125.



3. THE MANAGER  
BHARATI AXIS GENERAL INSURANCE  
COMPANY LIMITED,  
3RD FLOOR, BELLARY RAOD,  
HEBBAL, BENGALURU - 560 082.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R3;  
R1 AND R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.08.2017 PASSED IN MVC NO.1192/2013 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES AND SENIOR CIVIL JUDGE, AS A PRESIDING OFFICER, MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU, 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 MRS. JUSTICE P SREE SUDHA

### **ORAL JUDGMENT**

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 08.08.2017 passed in MVC No.1192/2013 on the file of the Judge, Additional Court of



Small Causes and Senior Civil Judge, MACT, Mysuru, seeking enhancement of the compensation.

2. Heard the arguments of learned counsel for the both sides. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner/injured claimant met with an accident on 10.10.2013 and filed petition before the Tribunal for compensation of Rs.8,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.3,11,158/- with interest at the rate of 9% p.a., from the date of filing the petition till the date of realization. Aggrieved by the said order, this appeal is filed and mainly contended that the petitioner/injured working as a bore-well mechanic and earning Rs.17,000/- per month. But the Tribunal erred in taking the same as Rs.7,500/- per month. The Tribunal has granted meagre amounts under the other heads. Therefore, requested for enhancement of the compensation.

4. The petitioner stated that he was working and earning Rs.17,000/- per month and filed Ex.P.12-salary certificate, but he has not examined the employer, who issued



the said certificate. Therefore, this Court finds that it is just and reasonable to take the notional income of Rs.8,000/- per month, as he met with an accident in the year 2013, as per the chart prepared by the Karnataka State Legal Services Authority. The petitioner was aged 23 years and the relevant multiplier is '18'. The petitioner filed Ex.P.5-wound certificate, Ex.P.6-discharge card and also examined doctor as PW.2. PW.2 stated that the petitioner underwent open reduction and internal fixation with bone plate and screws and two fractures of the maxilla mandibular symphysis fracture and 9 teeth loss. PW.2 assessed the disability at 30%. Therefore, the Tribunal has rightly considered one third of the same as 10%. Accordingly, the loss of future earning capacity comes to **Rs.1,72,800/-** (8,000x12x18x10%). The petitioner was admitted in the hospital for a period of nine days. Considering the nature of injuries, period of hospitalization and other relevant factors, this Court finds that it is just and reasonable to grant an amount of **Rs.50,000/-** towards pain and suffering, **Rs.25,000/-** towards loss of amenities and **Rs.30,000/-** towards transportation, extra nourishment and attendant charges. The petitioner might not have attended any



other work at least for a period of four months. Therefore, a sum of **Rs.32,000/-** (8,000x4) is to be granted under the head loss of income during the laid up period. The Tribunal has already granted **Rs.77,158/-** towards medical expenses and **Rs.15,000/-** towards future medical expenses and the said amounts are confirmed.

5. Thus in all, compensation awarded by this Court is as below:

| Sl.Nos. | Particulars                                                     | Amount in Rs.     |
|---------|-----------------------------------------------------------------|-------------------|
| 1.      | Towards pain and suffering                                      | 50,000/-          |
| 2       | Towards medical expenses                                        | 77,158/-          |
| 3       | Towards loss of amenities                                       | 25,000/-          |
| 4       | Towards transportation, extra nourishment and attendant charges | 30,000/-          |
| 5       | Towards loss of income during laid up period                    | 32,000/-          |
| 6       | Towards future medical expenses                                 | 15,000/-          |
| 7.      | Towards loss of future earning capacity                         | 1,72,800/-        |
|         | <b>Total</b>                                                    | <b>4,01,958/-</b> |



6. Hence, the appellant-claimant is entitled for a total compensation of Rs.4,01,958/- along with interest at the rate of 6% p.a.

7. In the result, the following order is passed:

**ORDER**

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 08.08.2017 passed in MVC No.1192/2013 on the file of the Judge, Additional Court of Small Causes and Senior Civil Judge, MACT, Mysuru, is modified.
- iii. The claimant is entitled to a sum of **Rs.4,01,958/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,11,158/- granted by the tribunal.
- iv. Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.90,800/-** along with the interest at the rate of 6% within one month from the date of this order.



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- v. On such deposit, petitioner is permitted to withdraw the entire amount along with interest accrued on the same.

**Sd/-**  
**(P SREE SUDHA)**  
**JUDGE**

AMA  
List No.: 2 Sl No.: 31