



CNR: KAHC010377622019

NC: 2026:KHC:51309
MFA No. 4338 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.4338 OF 2019(MV-I)

BETWEEN:

MR. VIJAYA BHANDARY,
S/O DESINGA BHANDARY,
AGED 56 YEARS,
R/AT J.B. LOBO ROAD,
KODIAL, ASHOKNAGARA POST,
MANGALURU TALUK,
D.K. DISTRICT.
PIN-575012.

...APPELLANT

(BY MS. POOJA, ADVOCATE FOR
SRI. RAVISHANKAR SHASTRY G.,ADVOCATE)

AND:

1. MR. CANUTE D' SOUZA
S/O LATE LAWRENCE D'SOUZA,
AGED 46 YEARS,
R/AT FLAT NO. 603,
REGENT PARK APARTMENT,
NEAR ROSHANI NILAYA,
VALENCIA, KANKANADY,
MANGALURU, D.K. DISTRICT.
PIN-575002.
2. NATIONAL INSURANCE CO. LTD.,
OFFICE AT : II FLOOR, INLAND ORNATE,
OPP: OCEAN PEARL,
NAVABHARATH CIRCLE,
KODIALBAIL, MANGALURU,

Digitally
signed by
AASEFA
PARVEEN

Location:
HIGH COURT
OF
KARNATAKA



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D.K. DISTRICT,
REPRESENTED BY ITS BRANCH MANAGER
PIN-575003.

3. MR. VIKRAM GOWDA
S/O DEVAPPA GOWDA
AGED 36 YEARS
R/AT DOOR NO. 3-26(6) ADYAR POST,
MANGALURU TALUK, D.K. DISTRICT.
PIN-575008.
4. NATIONAL INSURANCE CO. LTD.,
PANAMBURU BRANCH OFFICE,
ANANDA BUILDING, 1ST FLOOR,
NH 17, KULAI, HOSABETTU POST,
MANGALURU D.K.,
REPRESENTED BY ITS BRANCH MANAGER
PIN-575019.

...RESPONDENTS

(R1 SERVED;

V/O. DATED 31.07.2025 NOTICE TO R3 IS DISPENSED WITH;
SRI. JANARDHAN REDDY ADVOCATE FOR R2 AND R4)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17/10/2018, PASSED IN
MVC NO.700/2015, ON THE FILE OF THE I ADDITIONAL
SENIOR CIVIL JUDGE AND MEMBER, MACT, MANGALURU, D.K.,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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ORAL JUDGMENT

Heard Ms.Pooja, who represents Sri.Ravishankar Shastry G., learned counsel on record of the appellant as well as Sri.Janardhan Reddy, learned counsel who represents respondents No.2 and 4.

2. Challenge in this appeal is the award that is passed by Motor Accident Claims Tribunal, Mangaluru D.K., in MVC No.700/2015 dated 17.10.2018.

3. The appellant projecting that he sustained grievous injuries in a road traffic accident that occurred in the year 2014, filed a petition claiming compensation of Rs.20,00,000/- in total. Tribunal through the impugned order held that he is entitled to a sum of Rs.4,28,700/- as compensation. The version of the appellant is that he is entitled to a higher sum.

4. Arguing the matter, learned counsel for the appellant submits that the appellant who sustained grievous injuries took extensive treatment, but he is left



with disability. The appellant who was working as Assistant Superintendent in NMPT Panamburu, could not attend his duties due to disability. Therefore, he took voluntary retirement and thus, he lost his bright future. Appellant by producing the evidence of PW2 established his occupation, earnings, the fact that he was on loss of pay for considerable period due to the injuries sustained and also the fact that he left the service voluntarily. But, Tribunal failed to consider the evidence of PW2. Learned counsel submits that the appellant was earning Rs.66,176/- per month by the date of accident. However, Tribunal by taking the notional income of the appellant as Rs.25,000/- per month awarded a sum of Rs.1,98,000/- only towards loss of future earnings. Learned counsel also states that compensation granted under all other heads is also unjustifiable and thus, allowing the appeal, compensation claimed by the appellant may be granted.



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5. Per contra, learned counsel for respondents No.2 and 4 submits that no evidence is produced by the appellant to establish that he took voluntary retirement due to the injuries sustained. Learned counsel also contends that the Tribunal evaluated the evidence produced and awarded justifiable sum as compensation. Learned counsel however finally states that there may be marginal enhancement.

6. Tribunal held that appellant is entitled to a sum of Rs.80,000/- towards pain and suffering, Rs.47,700/- towards medical expenses, Rs.20,000/- towards attendant, food, extra nourishment and conveyance charges, Rs.75,000/- towards loss of income during treatment period, Rs.1,98,000/- towards loss of future earnings and Rs.8,000/- towards future medical expenses. Thus, Tribunal held that appellant is entitled to a total sum of Rs.4,28,700/- as compensation.



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7. Evaluating the evidence produced, Tribunal came to a conclusion that appellant took treatment as inpatient for a period of 33 days. By all the evidence produced, appellant succeeded in establishing that his gross salary was Rs.66,176/- per month in the month of September, 2016. However, the accident occurred in the year 2014. By the evidence of PW2, it is clear that appellant applied leave due to health reasons. Ex.P10-salary particulars were also produced to establish the earnings of the appellant. However, Tribunal without considering the evidence of PW2 and the contents of Ex.P10 has taken the notional income of the appellant as Rs.25,000/- per month. Therefore, this Court is of the view that compensation granted towards loss of income during laid up period and loss of future earnings requires enhancement.

8. Having considered the extensive treatment taken by the appellant and that he took treatment as



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inpatient for a long period of 33 days, this Court is of the view that, the sum granted towards attendant charges, food, extra nourishment and conveyance charges i.e. Rs.20,000/- is also on lower side.

9. Though it is argued that appellant left his job due to the injuries sustained and the disability, no substantive proof is on record to establish that job was left by the appellant due to the injuries sustained and the resultant disability. Having considered the fact that the compensation granted towards loss of future earnings, towards loss of income during treatment period and towards attendant, food, extra nourishment and conveyance charges is on grossly lower side, this Court is of the view that compensation granted under those heads is required to be enhanced. Having considered the evidence produced and the discussion that went on supra, this Court considers desirable to enhance the



compensation granted by Rs.1,50,000/- so that the sum which the appellant receives in total will be justifiable.

10. Therefore, the appeal is disposed of with the following:

ORDER

- i) Appeal is allowed in part.
- ii) Compensation that is granted by the Motor Accident Claims Tribunal, Mangaluru D.K., through orders in MVC No.700/2015 dated 17.10.2018 is enhanced by Rs.1,50,000/-.
- iii) The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit except for the period of delay of 123 days as per orders on IA No.1/2019.



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iv) Respondent No.2 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.

v) On such deposit, appellant is entitled to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 1