



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO.4508 OF 2021(MV-I)

BETWEEN:

SOME GOWDA
S/O K.T.THIMMEGOWDA,
AGED ABOUT 36 YEARS,
KALLAHALLY VILLAGE,
KATTAYA HOBLI,
HASSAN TALUK-573 201.

...APPELLANT

(BY SMT. KAVITHA.H.C., ADVOCATE)

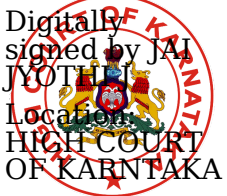
AND:

1. JALIL
S/O MOHAMMED,
AMBEDKAR NAGARA,
BEHIND K.P.T.C.L.,
HASSAN CITY.
2. MANAGER,
SRI RAM GENERAL INSURANCE COMPANY LTD.,
OPPOSITE BOWRING HOSPITAL,
SHIVAJINAGAR, BENGALURU.

...RESPONDENTS

(BY SRI. B.PRADEEP., ADVOCATE FOR R2;
V/O/DTD: 06.08.2025, NOTICE TO R1-DISPENSE WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 20.03.2020 PASSED IN MVC
NO. 1527/2017 ON THE FILE OF THE ADDITIONAL SENIOR
CIVIL JUDGE, ADDITIONAL MACT, HASSAN, 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 MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard the learned counsel for the claimant/appellant
and learned counsel appearing for the Insurance Company
/ Respondent No.2.

2. This appeal is filed claiming modification and
enhancement of the compensation awarded in MVC No.
1527/2017 on the file of Additional Senior Civil and
Additional MACT at Hassan by the Judgment and Award
dated 20.03.2020.

3. The claim petition was filed under Section 166
of the Motor Vehicles Act, 1988, claiming compensation of
an amount of Rs.25,00,000/- with interest, for the
accident injuries sustained by the claimant/appellant.



4. The description of the accident as appears in the appeal is that, on 28.05.2017 around 7.00 p.m. near Marganahally Gate on Hassan-Shankaranahally Gate, while the claimant/appellant was proceeding in the bike bearing Registration No.KA-13-K-949 as pillion rider, the driver of a tractor bearing Registration No.KA-34-N-1248 who was driving it in a rash and negligent manner, dashed against the bike of the petitioner, and thereby caused the accident. In that accident, the claimant/appellant sustained several injuries. He was admitted for treatment for a period of three months in the Government Hospital, Hassan and is still under follow-up treatment.

5. Prior to the accident, the claimant/appellant was doing agriculture and was also working as a coolie and was earning Rs.25,000/- per month. Due to the fracture sustained by him in the accident, he is unable to do any work and is dependent on others for his daily activities. It was stated that he is the only bread earner in his family. The owner of the tractor denied the averments in the petition and said that his vehicle was duly insured and the



liability ought to be fastened on the Insurance Company / respondent No.2.

6. The Insurance company/respondent No.2, denied the averments of the petitions. It was stated that the driver of the offending tractor was not impleaded; the age, income and occupation, the nature of the injuries and the period of treatment were also denied; rash and negligent driving of the driver of the tractor was denied and the involvement of the offending tractor was disputed.

7. On the basis of the above pleadings, the following issues were framed:

"1. Whether the petitioners prove that on 28.05.2017 at about 7.00 p.m. near Marganahally gate, Hassan-Shankaranahally Road, while deceased Yogesha was riding the bike bearing Reg.No.KA-13-K-949, at that time, the driver of Tractor bearing Reg.No.KA-34-N-1248 by driving it in rash and negligent manner, dashed against the said bike, caused the accident and as a result, deceased succumbed to the injuries on the way to the hospital as alleged by them?"

2. Whether the petitioner is entitled for compensation? If so, for what amount and from whom?"

3. What order or award?"

8. As witnesses, the claimant/appellant got himself examined as PW-1. PW-2 was the petitioner in the



connected MVC No.1528/2017 and PW-3 was the examining Doctor. The documents exhibited were 25 in number including the FIR (Ex.P1), the complaint (Ex.P2), spot and seizure mahazar (Ex.P3 & P4), wound certificate (Ex.P5), charge sheet (Ex.P6), IMV report (Ex.P7), six Discharge summaries (Exs.P10 to P15), six case sheets (Exs.P24) and 10 X-rays (Ex.P25).

9. As far as Issue No.1 is concerned, on the basis of the evidence, the Tribunal held that the offending tractor was being driven in a rash and negligent manner which dashed against the claimant/appellant's bike causing the accident, as a result of which he sustained the injuries. Accordingly, the Issue No.1 was answered in the affirmative.

10. With regard to Issue No.2 that deals with the entitlement for compensation, the Tribunal relied upon the Wound Certificate issued by the Hospital at Exhibit P5, in which there were two lacerated wounds on the forehead and chin; abrasion over right knee; fracture of the shaft of



right femur and intertrochantric fracture of the right hip. Injuries 4 and 5 were found to be grievous in nature. As far as disability is concerned, his disability with respect to his right lower limb was considered at 43% and for the whole body, the disability was assessed at 15%. The age of PW-1 was taken into consideration as 44 years at the time of accident. Since no documents were produced to prove his avocation or income, notional income considering the year of accident as 2017 was taken as Rs.8,500 per month. Accordingly, the Tribunal granted the following compensation:

Sl.No.	Heads of Compensation	Amount
1	Towards pain and sufferings	Rs. 90,000.00
2	Towards Medical expenses	Rs. Nil
3	Towards diet, food, nourishment, attendant and conveyance charges	Rs. 40,000.00
4	Towards loss of future earning capacity	Rs.2,14,200.00
5	Loss of income during laid up period	Rs. 51,000.00
6	Towards loss of amenities	Rs. 25,000.00
7	Towards future medical expenses	Rs. 40,000.00
	TOTAL	Rs.4,60,200.00



11. The question that arises for consideration is, whether the compensation granted by the Tribunal was correctly awarded?

12. As far as pain and sufferings are concerned, a sum of Rs.90,000/- was awarded, which, in the facts and circumstances, was correctly done. Towards diet, food, nourishment, attendant charges and conveyance charges, we deem it fit that a sum of Rs.60,000/- be granted under this head. Towards loss of future income, it is noted that the Tribunal has considered the notional income as Rs.8,500/-, which does not appear to be correct in as much as the Table of notional income as circulated by the Karnataka Legal Services Authority reflects that for the year 2017, the income per month should be taken as Rs.11,000/-. There is no dispute with regard to the extent of disability to the whole body and given the age of the claimant/appellant, the multiplier of '14' is appropriate. Therefore, the 'loss of future income' would be,

Loss of future income	Amount
(11,000 x 15%) x 12 x 14 = 1650 x 12 x 14	Rs.2,77,200/-



Further, the 'loss of income during laid-up period' would be a multiple of the notional income that we deem it fit to award, which would be (Rs.11,000/- x 6) for 6 months which comes to Rs.66,000/-. Under the head of 'loss of amenities', we deem it fit to increase the amount to Rs.75,000/-. Under the head of 'future medical expenses', we deem it fit to grant a sum of Rs.60,000/- in place of Rs.40,000/- awarded by the Tribunal.

13. Accordingly, and in view of the foregoing discussions, the compensation awarded by the learned Tribunal is reassessed as follows:

Sl.No.	Heads of Compensation	Amount
1	Towards pain and sufferings	Rs. 90,000.00
2	Towards Medical expenses	Rs. Nil
3	Towards diet, food, nourishment, attendant and conveyance charges	Rs. 60,000.00
4	Towards loss of future earning capacity	Rs.2,77,200.00
5	Loss of income during laid up period	Rs. 66,000.00
6	Towards loss of amenities	Rs. 75,000.00
7	Towards future medical expenses	Rs. 60,000.00
	TOTAL	Rs.6,28,200.00
	Less awarded by Tribunal	Rs.4,60,200.00/-
	Enhanced compensation	Rs.1,68,000.00/-



14. We note from the order of the Tribunal that interest at the rate of 9% has been awarded. We do not see any reason to interfere with the rate of interest. Hence, the claimant/appellant is entitled to a total compensation of **Rs.6,28,200/-** along with interest at the rate of 9% per annum from the date of petition till the date of realization. Enhanced amount would be Rs.1,68,000/-.

15. Accordingly, the Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part***;
- (ii) The Impugned Judgment and Award dated 20.03.2020 in MVC No.1527/2017 passed by the learned Addl. Senior Civil Judge and Addl. MACT, Hassan, is modified, to the extent that the claimant/appellant is entitled to enhanced compensation of **Rs.1,68,000/-** along with interest at the rate of 9% per annum in addition



to Rs.4,60,200/- as awarded by the learned Tribunal.

(iii) The remaining portion of the Impugned Award of the learned Tribunal remains undisturbed.

(iv) The respondent No.2/Insurance Company shall deposit the enhanced compensation with interest applicable thereon, as awarded by the learned Tribunal, within a period of eight weeks from the date of receipt of a copy of this judgment;

(v) On such deposit of compensation, the same shall be released in favour of the claimant/appellant, on filing of an appropriate application by the claimant/appellant for withdrawal of the enhanced amount.

(vi) The Registry is directed to draw the modified Award accordingly.



(vii) The Registry is directed to transmit a copy of this judgment to the concerned Tribunal along with its records.

(viii) No order as to costs.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

KS
List No.: 1 Sl No.: 11