



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21ST DAY OF JANUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO.6843 OF 2016 (MV-I)

BETWEEN:

RELIANCE GENERAL
INSURANCE COMPANY LTD.
NO.28, 5TH FLOOR
EAST WING
CENTENARY BUILDING
M.G.ROAD
BENGALURU-560 001

... APPELLANT

(BY SRI B.PRADEEP, ADVOCATE)

AND:

1. REVANNASIDDAPPA @
RAVANASIDDIAH
S/O.BHEEMASHANKAR
AGED ABOUT 27 YEARS
R/AT THAMMADEHALLI VILLAGE
AMARAPURA POST
MADAKASIRA TALUK
ANANTHAPURA DISTRICT
NOW RESIDING AT
BEHIND OMKARESHWARA TEMPLE
HIREHALLY VILLAGE
URIDIGERE HOBLI
TUMKURU TALUK-572 101

2. R.G.PRASHANTH
S/O.GANGADHARAIH
AGED ABOUT 40 YEARS
R/AT SHIVAGANGA TRAVELS
SIRA GATE, TUMKARU CITY - 572 101

...RESPONDENTS

(BY SRI K.SHANTHARAJ, ADVOCATE)

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by NANDINI R
Location: HIGH
COURT OF
KARNATAKA



THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, 1988 PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 12.08.2016 PASSED IN MVC.NO.1154/2015 BY VI ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MEMBER, AMACT, TUMKURU.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

Heard learned counsel for appellant.

2. None appears for the respondents.

3. Respondent No. 2-Insurance Company in MVC.No.1154/2015 before VI Additional District and Sessions Judge, Tumakuru, is before this Court in this appeal assailing the judgment and award dated 12.08.2016.

4. The appellant-Insurance Company is disputing the quantum of compensation awarded by the tribunal. The fact that there was an accident on 23.05.2015 involving the bus owned by respondent No.1 and insured by respondent No.2, which has resulted in an injury to the



claimant, is not in dispute. What is disputed by the appellant-Insurance Company is only the quantum of compensation awarded by the tribunal.

5. The claimant was a rider on a motorcycle and the said motorcycle met with an accident with the bus owned by respondent No.1 and insured by respondent no. 2. He was admitted to the Hospital, where it was found that he has suffered an acute cervical spine injury. On account of chip fracture in the inferior aspect of anterior arch of C1 vertebra, post traumatic pre-vertebral space collection/ edema and such other consequential injuries resulted in his admission to the Hospital for about 5 days. The Medical Officer, who assessed the disability of the claimant stated that the claimant has radiating pain in his right upper limb due to the cervical injury and therefore, he opined that there is a disability of 25% to the whole body. The tribunal accepted the said disability and translated the same to be a functional disability of 10% and calculated the compensation. The claimant had produced the salary



details to show his income as per Ex.P8. He was an operator in LM Wind Power Blades Limited and the Tribunal accepted the salary slips at Ex.P8 and held that his income was ₹16,033/- per month. Accordingly, it has calculated the compensation of ₹4,07,012/- under different heads as below:

Pain and Suffering	₹.25,000-00
Loss of Future Prospects	₹.20,000-00
Medical Expenditure	₹.10,000-00
Loss of income due to disability	₹ 3,27,012-00
Total	₹ 4,07,012-00

6. Learned counsel appearing for the appellant submits that PW.1 in his cross examination has admitted that he has continued to serve in the said Company and there is no reduction in his salary on account of the injuries suffered by him. Therefore, he contends that the compensation awarded under the head of loss of future prospects, loss of income due to disability, cannot be awarded to him. It is submitted that the disability of 10% assessed by the tribunal is also on the higher side and it



could not have been done, since there is no such disability which has resulted in reduction of his salary.

7. On a careful perusal of the records, it appears that in the cross-examination, PW.1 states that he has continued to serve in the said Company and earning the salary. However, he denies that there is no loss of salary. A perusal of the records would reveal that claimant has sustained cervical fracture resulting in neurological disability to him. The testimony of PW.2-Doctor, who assessed his disability, cannot be brushed aside to say that there is no disability at all. In other words, the claimant, who is aged about 27 years having suffered the above mentioned disability, has to pull on his life for the rest of the life with the said disability. It is not known what could be the outcome in the later age also. Therefore, in strict parlance, though the claimant is not entitled for loss of income due to disability, the said sum of ₹3,27,012/- is to be held as compensation under the head of loss of amenities in life. This Court also observes that the



compensation awarded by the tribunal under the head of pain and suffering is on the lower side and it has not at all awarded any compensation under the head of loss of amenities in life and loss of income during laid-up period, conveyance, nourishment and attendant charges etc. Therefore, though a sum of ₹3,27,012/- cannot be held to be loss of income due to disability, definitely the claimant if is compensated under the various heads, for which, he was not granted any compensation, there would not be any change in the quantum of compensation awarded by the tribunal. Therefore, this Court is of the view that the total compensation awarded by the tribunal is commensurate with the injuries suffered by the claimant and as such, it would not require any reduction.

8. Insofar as the contention of learned counsel for appellant that the rate of interest is on the higher side, it is to be noted that in catena of decisions, this Court has held that the rate of interest has to be 6% per annum and



therefore, to that extent, the appeal deserves to be allowed. Hence, the following:

ORDER

- i) The appeal insofar as it relates to the quantum of compensation amount is dismissed;
- ii) The rate of interest awarded by the tribunal at 7.5% per annum is modified as 6% per annum from the date of petition till the deposit of the compensation amount before the tribunal;
- iii) Rest of the order passed by the tribunal remain unaltered;
- iv) The amount in deposit, if any, is ordered to be transmitted to the tribunal;
- v) The original records is also ordered to be transmitted to the tribunal.

Sd/-
(C M JOSHI)
JUDGE