



NC: 2026:KHC:54787
MFA No. 7034 of 2019

CNR: KAHC010417632019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO.7034 OF 2019

(MV-I)

BETWEEN:

SRI. B. R. PAVAN KUMAR,
S/O RANGEGOWDA,
AGED ABOUT 27 YEARS,
R/O BELSINDA VILLAGE,
KASABA HOBLI, CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 201.

...APPELLANT

(BY SRI. KUMAR H N, ADVOCATE)

AND:

1. THE MANAGER
IFFCO TOKIO GIC LTD.,
SRO SHANTHI TOWERS,
4TH FLOOR, NO.141, 3RD MAIN,
EAST OF NGEF LAYOUT,
KASTHURI NAGAR,
BENGALURU - 560 043.
2. SRI. C. S. SHANKARANARAYAN
S/O SITARAMAIAH SHETTY,
MAJOR, R/O PETE BEEDHI,
CHANNARAYAPATNA TOWN & TALUK,
HASSAN DISTRICT - 573 116.

...RESPONDENTS

(BY SRI. PRADEEP B, ADVOCATE FOR R1;
NOTICE TO R2 IS DISPENSED WITH
VIDE ORDER DATED 02.06.2023)

Digitally signed
by SUMATHY
KANNAN
Location: HIGH
COURT OF
KARNATAKA



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 25/03/2019, PASSED IN MVC NO.1732/2017, ON THE FILE OF THE 4TH ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN DISTRICT (SIT AT CHANNARAYAPATNA) AND ENHANCED THE COMPENSATION OF Rs.7,67,000/- WITH 9% INTEREST PER ANNUM IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MFA COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

ON I.A.No.1/2019:

1. I.A.No.1/2019 is filed seeking condonation of delay of 55 days in filing the appeal.

1.1 The learned counsel for the respondent No.1/ Insurance Company submits that he has 'no objection' for the delay being condoned.

1.2 For the reasons stated in the affidavit accompanying the application, I.A.No.1/2019 is allowed. The delay of 55 days in filing the appeal is condoned.



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ON MFA.No.7034/2019:

2. The present appeal seeks to challenge a Judgment and Order dated 25.03.2019 passed by the learned 4th Additional District and Sessions Judge, Hassan District (Sit at Channarayapatna) in MVC No.1732/2017 [hereinafter referred to as the "Impugned Award"]. By the Impugned Award, compensation in a sum of Rs.2,33,000/- along with interest at the rate of 9% per annum has been awarded to the appellant/claimant.

3. The challenge in the present appeal is by the appellant/claimant.

4. Though the appeal is posted for Orders, given the pendency of the matter and the year of accident, with the consent of the learned counsel for the parties, the same is taken up for final disposal.

5. The learned counsel for the parties submitted that they have amicably settled the issues in the matter.



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6. The learned counsel for the appellant/claimant submits that the compensation *qua* disability was not given in accordance with the calculations as set out in the judgments of the Supreme Court in the case of ***Sarla Verma and Others Vs. Delhi Transport Corporation And Another¹*** and ***National Insurance Co. Ltd. Vs. Pranay Sethi²***. He submits that a lumpsum amount of compensation was awarded without examining the percentage of disability. Secondly, he contends that no compensation towards loss of income during laid up period was awarded. He also submits that the Tribunal ought to have taken into consideration the notional income of Rs.11,000/- per month, as per the Notional Income Chart prepared by the Karnataka State Legal Services Authority, Bengaluru [KSLSA].

7. The learned counsel appearing for the respondent No.1/Insurance Company submits that since the disability

¹ (2009) 6 SCC 121

² (2017) 16 SCC 680



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as assessed by the Doctor[CW-1] was 4% and the accident took place in the year 2017, the disability would have to be calculated as per the notional income of Rs.11,000/- per month and not as has been calculated by the learned Tribunal.

8. This Court has also examined the record. The learned Tribunal had awarded the following compensation:

Sl. No.	Particulars	Amount (Rs.)
1	Towards pain and suffering	50,000/-
2	Towards Medical expenses	83,000/-
3	Towards disability, discomfort, disappointment, sorrow, inconvenience, disadvantage, joyless life	50,000/-
4	Towards attendant charges, food, diet, nourishment and transportation expenses and loss of income during laid off period, etc.	50,000/-
	TOTAL	2,33,000/-

8.1 Concededly, the evidence of the Doctor showed that the Doctor had assessed the whole body disability at 4%, which is not disputed. It is further not disputed that the



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injured was aged about 25 years at the time of accident and was hospitalised for a period of four days.

9. Accordingly and in view of the consensus arrived at between the parties, the compensation awarded by the learned Tribunal is enhanced in the following manner:

Sl. No.	Particulars	Amount (Rs.)
1	Towards pain and suffering	50,000/-
2	Towards Medical expenses	83,000/-
3	Towards loss of future earnings [Rs.11,000/-x12x4%x18]	95,040/-
4	Towards loss of income during laid up period [11,000/-x3 months]	33,000/-
5	Towards attendant charges, food, diet, nourishment and transportation expenses	30,000/-
	TOTAL	2,91,040/-
	Less: Compensation awarded by Tribunal	2,33,000/-
	Enhanced compensation	58,040/-

10. Thus, the appellant/claimant is entitled to an enhanced compensation in a sum of **Rs.58,040/-** along with interest as awarded by the learned Tribunal, from the date of realisation.



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10.1 This Court is not inclined to interfere with the rate of interest awarded by the Tribunal at 9% per annum.

11. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The appeal is ***allowed in-part***;

(ii) The impugned Judgment and Award dated 25.03.2019 passed by the learned 4th Additional District and Sessions Judge, Hassan District (Sit at Channarayapatna) in MVC No.1732/2017 is modified, enhancing the compensation by **Rs.58,040/-** along with interest at the rate of 9% per annum as awarded by the learned Tribunal.

(iii) The respondent No.1/Insurance Company is directed to pay the enhanced compensation with interest as awarded by the Tribunal within four weeks from today.



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

(v) No order as to costs.

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

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

Digitally signed by TARA
VITASTA GANJU
Location: HIGH COURT
OF KARNATAKA
(TARA VITASTA GANJU)
JUDGE

BMV*

List No.: 1 Sl No.: 6