



CNR: KAHC010441172017

NC: 2026:KHC:49197-DB
MFA No. 8064 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

MISCELLANEOUS FIRST APPEAL NO. 8064 OF 2017 (MV-I)

BETWEEN:

SRI. GIRIDAR M,
S/O M. LINGAIAH,
AGED ABOUT 35 YEARS,
OCC: PLUMBER,
R/AT NO.37, JAYANAGAR,
BANGALORE-560 004.

...APPELLANT

(BY SMT. THRIVENI P.C., ADVOCATE FOR
SMT. MEENAKSHI M., ADVOCATE)

AND:

1. THE MANAGER,
THE ORIENTAL INSURANCE COMPANY LIMITED,
NO.90A, THURAIYUR ROAD,
NAMAKAL-637 001,

NO.27/11A, PALANISWAMY STREET,
S.P.PUDUHUR, NAMAKAL DISTRICT,
SALEM, TAMIL NADU DISTRICT-637 001.
2. SRI. PARAG MAHARISHI,
S/O M.M. MAHARISHI,
MAJOR, R/AT B.C.288,
MANGALAPUR INDUSTRIAL AREA,
PH II NEW DELHI.
(NAME OF THE REGISTERED OWNER)



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3. SRI. THANGADURAI P,
S/O PUNUSWAMY A,
MAJOR, R/AT NO.170,
INDIR COLONY,
APPANALLUR, THOTTIYAM TALUK,
TRICHY DISTRICT, LORRY DRIVER,
TEMPO ADDRESS,
SHANTHI DS MUSIRI.
4. THE MANAGER,
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
NO.28, 4TH FLOOR, NEAR RAIZA TOWERS,
EASTERN WING, CENTENARY BUILDING
M.G.ROAD, BANGALORE-560 001
5. SRI. R. NATARAJAN,
S/O RANGASWAMY,
NO.22/11A, PALANI SWAMY STREET,
NAMAKAL, TAMIL NADU,
(PRESENT R.C.OWNER).

...RESPONDENTS

(BY SRI. A.M.VENKATESH, ADVOCATE FOR R1;
VIDE ORDER DTD 7.11.2023, APPEAL AGAINST R2 STANDS
DISMISSED; R3 & R5 ARE SERVED AND UNREPRESENTED;
SRI. H.C.BETSUR, ADVOCATE FOR R4)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 26.12.2016 PASSED IN
MVC.NO.6496/2011 ON THE FILE OF THE 8TH ADDITIONAL
SMALL CAUSE JUDGE & 33RD ACMM, MEMBER, MACT,
BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.P.VIVEKANANDA)

This appeal is filed by the appellant/claimant challenging the judgment and award dated 26.12.2016 passed in MVC.No.6496/2011 by VIII Addl. Small Causes Judge and Motor Accident Claims Tribunal (SCCH-5) Bengaluru, seeking enhancement of compensation.

2. In the motor vehicle accident occurred on 08.08.2011, the appellant/claimant has suffered bodily injuries. In order to claim damages for personal injuries, the appellant/claimant filed a claim petition in MVC.No.6496/2011 before the Motor Accident Claims Tribunal (hereinafter referred to as the 'Tribunal' for short).

3. It is the claim of the appellant/claimant before the Tribunal that he was a qualified plumber and was earning Rs.15,000/- per month and was hospitalized for a period of six days and suffered grievous injuries. To



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establish the injuries sustained and the disability suffered, the claimant has examined the doctor as P.W.2. The doctor-P.W.2 has assessed the disability at 20% to the whole body. Taking into consideration the evidence led in by the appellant and evidence of the doctor, the Tribunal has awarded total compensation of Rs.6,61,000/-. The details of which reads as follows:-

Sl No	Head of Compensation	Amount in Rs.
I.	PECUNIARY DAMAGES (Special Damages)	
1.	Expenses relating to:	
	a) to treatment, hospitalization, medicines, transportation (Rs.1,75,553/- round off Rs.1,76,000/-)	1,76,000-00
	b) nourishing food and miscellaneous expenditure	15,000-00
2.	Loss of earnings which the inured would have made had he not been injured, comprising:	-
	a) Loss of earnings during period of treatment	-
	b) Loss of future earnings on account of permanent disability	2,45,000-00
3.	Future medical expenses	25,000-00
II.	NON- PECUNIARY DAMAGES (General Damages)	
4	Damages for pain, suffering and trauma as a consequence of the injuries	1,00,000-00
5.	Loss of amenities (and / or loss of prospects of marriage)	1,00,000-00
6.	Loss of expectation of life (shortening of normal longevity)	-
	Total	6,61,000-00



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4. Before the Tribunal, it was contended that the vehicle involved in the accident was not covered by the policy of insurance and therefore, the liability has been fastened on the insured owner i.e., respondent No.5. Before this Court, an application i.e., I.A.No.1/2018 for additional evidence has been filed. Along with the said application, policy of insurance covering the vehicle involved in the accident was produced. This Court by order dated 03.08.2026 allowed the said application for production of additional evidence.

5. At the time of consideration of the said application, learned counsel for respondent No.4 has admitted the existence of policy and coverage of vehicle involved in the accident. In the light of the same, we are of the opinion that respondent No.4 is liable to pay the compensation to the appellant/claimant and not respondent No.5.



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6. Insofar as the quantum of compensation is concerned, it is the submission of learned counsel for the appellant that the accident is the year 2011 and the appellant was working as a qualified plumber. Therefore, consideration of income at Rs.6,000/- per month by the Tribunal is on the lower side and the same is required to be increased.

7. To buttress his submission, learned counsel for the appellant invites our attention to Ex.P.14 and Ex.P.15. Ex.P.15 is the certificate issued by the Professional Tax Department and Ex.P.16 is also accompanied with the appointment letter issued by the private company certifying that the appellant was working as a maintenance Supervisor in the project site of the Company and he was drawing salary of Rs.8,500/- per month. Ex.P.16 is also accompanied with the statement of account, which shows remittance of amount periodically into the account of the appellant. Since, Ex.P.15 and Ex.P.16 are not disputed by



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the respondents before the Tribunal, we are of the opinion that the income as stated in Ex.P.16 i.e., Rs.8,500/- should be the reasonable income of a qualified plumber and that could be considered for grant of compensation for loss of future earning capacity. Accordingly, we assess the compensation under the head loss of future earning capacity as under:

$$\text{Rs.8,500/-} \times 12 \times 17 \times 20\% = \text{Rs.3,46,800/-}$$

Therefore, compensation of **Rs.3,46,800/-** is awarded under the head loss of future earning capacity.

8. In all other respects, we find that the compensation awarded by the Tribunal is just and reasonable.

9. Learned counsel for respondent No.4 has contended that when the claim petition was filed by the claimant before the Tribunal, respondent No.4 was not arrayed as party and was impleaded as a party respondent only on 16.09.2014 after delay of 3 years. Therefore,



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respondent No.4 cannot be saddled with payment of interest on the compensation for the period from 2011 to 2014. It is also his submission that there was a delay of 210 days in filing the present appeal. Subsequently, the appeal was dismissed for non-prosecution and later recalled. In total there was around 420 days delay, for which, respondent No.4 is not liable to pay the interest. Taking note of the said submission, we are of the view that in all appellant is not entitled for interest for a period of four years.

10. In the result:

- (i) The appeal is ***allowed in part.***
- (ii) The impugned judgment and award dated 26.12.2016 passed in MVC.No.6496/2011 by VIII Addl. Small Causes Judge and Motor Accident Claims Tribunal (SCCH-5) Bengaluru, is modified entitling the appellant/claimant for payment of total compensation of Rs.7,62,800/- as against Rs.6,61,000/- along with interest at the rate of 6% p.a. However, in



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all the appellant is not entitled for interest for a period of four years.

- (iii) Since, we have held that the vehicle involved in the accident is covered by the policy of insurance issued by respondent No.4, the respondent No.4 is directed to deposit the entire compensation as ordered above within a period of six weeks from the date of receipt of certificate copy of this order. On such deposit, the appellant is entitle for release of entire compensation.
- (iv) If the compensation amount is not paid within a period of six weeks, then respondent No.4 is liable to pay interest at the rate of 9% p.a.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**