

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.6720 OF 2022 (MV-I)

BETWEEN:

MR. VEDANAYAGAM S,
S/O SIGAMANI,
AGED ABOUT 75 YEARS
R/T NO.910, 1ST CROSS,
1ST MAIN, BEML ADMIN,
HAL 3RD STAGE,
THIPPASANDRA
BENGALURU - 560 075.

...APPELLANT

(BY SRI. GURUDEV PRASAD K.T., ADVOCATE)

AND:

1. M/S UNITED INDIA INS. CO. LTD.,
MOTOR CLAIMS HUB,
18, 6TH FLOOR,
KRUSHI BHAVANA,
HUDSON CIRCLE,
BENGALURU - 560 001.
BY ITS MANAGER.
2. MR. ELUMALAI
S/O KULANDI VELLU
NO.6, 7TH 'F' MAIN,
18TH CROSS, S.R. NAGAR,
BENGALURU - 560 027.

...RESPONDENTS

(BY SRI. K.N. SRINIVASA, ADVOCATE FOR R1,
VIDE ORDER DATED 13.11.2025, NOTICE TO R2 IS
DISPENSED WITH)

Digitally signed by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:19.02.2022 PASSED IN MVC NO.3286/2020 ON THE FILE OF THE XVII ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER MACT, BENGALURU, SCCH-21 PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 26.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

This appeal is by the appellant/claimant seeking for enhancement of compensation and setting side the finding of contributory negligence of 10% held against the appellant arising out of judgment and award dated 19.02.2022 in MVC No.3286/2020, passed by the Court of XVII Additional Judge, Court of Small Causes & Member, M.A.C.T., Mayo Hall Unit, Bengaluru (SCCH-21) (for short 'Tribunal').

2. The brief facts of the case are that:-

On 09.05.2020 at about 8.50 a.m., when the appellant was riding a motor cycle bearing Reg.No.KA-01-

JA-9740, on Suranjan Dass Road, near Gitanjali Cross, Bengaluru, the driver of the Car bearing Reg.No.KA-03-MX-2863 driving in a rash and negligent manner, dashed against the vehicle of the appellant and as a result, he sustained injuries. Immediately, he was shifted to Chinmaya Hospital and later was shifted to Columbia Asia Hospital, wherein he took treatment for the injuries sustained. Hence, he filed claim petition under Section 166 of the MV Act, seeking compensation of Rs.20,00,000/-.

3. Upon service of notice, the respondent No.2 had remained absent and was placed *exparte* and respondent No.1 appeared and filed its written statement admitting the issuance of policy. It contended that the driver of the offending Car did not possess valid and effective driving licence at the time of accident and contended that the accident was due to negligent driving of the appellant and not on the part of the driver of the Car. Hence, prays to dismiss the claim petition.

4. On the basis of the pleadings of the parties, the Tribunal framed issues and recorded the evidence. The appellant got examined himself through the Court Commissioner as CW-1 and got marked 15 documents as Exs.C.1 to C.15 and got examined two witnesses as PWs-1 and 2 and got marked 6 documents as Exs.P.1 to 6. The respondent No.1 got examined its Administrative Officer as RW-1 and got marked two documents as Exs.R.1 and 2.

5. After hearing the parties and on perusal of the documents, the Tribunal has allowed the petition in-part and awarded compensation of Rs.17,18,073/- with interest at the rate of 6% per annum on Rs.16,88,073/- (excluding future expenses of Rs.30,000/-) from the date of petition till realization.

6. Learned counsel for the appellant submits that as per Ex.C.6 – wound certificate, appellant has sustained following injuries:-

1. Blunt injury to the chest with (a) left haemopneumothorax, (b) lung contusions, (c) left subcutaneous emphysema, (d) multiple

left rib fractures left 1st to 9th ribs, (e) fracture left body of scapula.

2. Head injury with (a) right frontal and temporal regional haemorrhage, (b) subarachnoid haemorrhage, (c) small bleed left corpus callosum with intraventricular projection, (d) infra articular and bilateral lateral ventricles, (e) scalp haematoma right frontal region.
3. Communitied displaced fracture proximal shaft left femur.
4. Haematoma present right forehead 4cm x 4cm.

7. He contends that the Tribunal has not properly considered the injuries sustained by him and awarded meager compensation under all heads, which require enhancement. Accordingly, sought to allow the appeal, enhance compensation and also prayed for setting aside the 10% negligence attributed on him by modifying the judgment and award passed by the Tribunal.

8. Refuting the submissions of learned counsel appearing for the appellant, learned counsel for the respondent No.1 submits that the Tribunal after considering entire material placed before it, awarded

appropriate compensation. The compensation awarded by the Tribunal is just and proper and does not call for any interference at the hands of this Court. Accordingly, sought to dismiss the appeal.

9. Heard the learned counsel appearing for the parties and perused entire appeal papers.

10. It is not in dispute that appellant has sustained fractures stated *supra*. The appellant has examined Doctor, who treated him as PW-2, who has stated that petitioner has suffered disability to an extent of 59% to the left lower limb and 20% to the whole body. The Tribunal has rightly assessed the disability of the appellant at 20% to the whole body. The Tribunal has taken income of the claimant at Rs.12,000/- per month. The accident is of the year '2020'. As per the chart prepared by the Karnataka State Legal Services Authority, notional income of the appellant is taken at Rs.14,500/- per month. The appellant was aged about 73 years at the time of accident. Hence, multiplier applicable is '5'. Hence, a sum of

Rs.1,74,000/- (14,500 x 12 x 5 x 20%) is awarded under the head 'loss of future income due to disability'.

11. Insofar as 'loss of amenities' is concerned, the Tribunal has awarded a sum of Rs.30,000/-, which is on lower side. Considering the injuries suffered and period of inpatient, a sum of **Rs.40,000/-** is awarded under the said head.

12. The compensation awarded under the heads 'pain and sufferings', 'medical expenses', 'future medical expenses', conveyance, food and nourishment, attendant charges and other incidental expenses' and 'loss of income during laid up period' are just and appropriate and the same is kept intact.

13. In summary, the total compensation re-determined by this Court under various heads is as follows:

1.	Loss of future income due to disability	:	Rs.	1,74,000/-
2.	Pain and sufferings	:	Rs.	75,000/-

3.	Medical Expenses	:	Rs.	15,27,970/-
4.	Future Medical expenses	:	Rs.	30,000/-
5.	Conveyance, food and nourishment, attendant charges and other incidental expenses	:	Rs.	30,000/-
6.	Loss of income during laid up period	:	Rs.	72,000/-
7.	Loss of amenities in life/Life comforts and expectancy of life	:	Rs.	40,000/-
	TOTAL	:	Rs.	19,48,970/-

14. The appellant – claimant is entitled for total compensation of **Rs.19,48,970/-** along with interest at the rate of 6% per annum.

15. The Tribunal has come to the conclusion that the petitioner is guilty of contributory negligence to the extent of 10%. The said finding being based on correct appreciation of material on record, the same does not warrant interference by this Court. Thus, 10% of the total compensation amount comes to Rs.1,94,897/-. Thus, deducting the same with the amount of Rs.19,48,970/-, the appellant – claimant would be entitled to total compensation of **Rs.17,54,073/-** (Rs.19,48,970/- -

Rs.1,94,897/-) rounded off to **Rs.17,54,000/-** along with interest at the rate of 6% per annum from the date of petition till realization. Respondent No.1 – Insurance Company is directed to deposit the compensation amount within eight weeks from the date of filing of the petition till realization.

16. Accordingly, I proceed to pass the following:

ORDER

- i) The appeal is ***allowed-in-part.***
- ii) The judgment and award passed by the Tribunal in MVC No.3286/2020 dated 19.02.2022 by the Court of XVII Additional Judge, Court of Small Causes & Member, M.A.C.T., Mayo Hall Unit, Bengaluru, (SCCH-21) is hereby modified holding that the claimant is entitled for total compensation of **Rs.17,54,000/-** along with interest @ 6% p.a. on the compensation from the date of petition till its realization.

- iii) The compensation amount along with accrued interest if any, shall be deposited by the respondent No.1 – Insurance Company, within eight weeks from the date of filing of the petition till realization;
- iv) Registry is directed to transmit the TCR along with copy of this judgment to the Tribunal forthwith.
- v) No order as to costs.

SD/-
(DR.K.MANMADHA RAO)
JUDGE

MH/-