



NC: 2026:KHC:30790-DB
MFA No. 222 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

PRESENT

HON'BLE MR. JUSTICE JAYANT BANERJI

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 222 OF 2020 (MV-I)

BETWEEN:

SRI BASAVARAJU
S/O LATE MUDIAIAH
AGED ABOUT 46 YEARS
RESIDING AT
ARAKERE VILLAGE AND HOBLI
SRIRANGAPATNA TALUK
MANDYA DISTRICT-571 445.

...APPELLANT

(BY SMT. S. NAGANANDINI, ADVOCATE FOR
SRI JAIRAJ G., ADVOCATE)

AND:

1. SRI DEVARAJU A.N.
S/O LATE NAGARAJU
AGED ABOUT 47 YEARS
R/AT ARAKERE VILLAGE AND HOBLI
SRIRANGAPATNA TALUK
MANDYA DISTRICT-571 445.
2. THE MANAGER
THE NATIONAL INSURANCE CO. LTD.,
NO.1576, 1ST FLOOR,
V.V. ROAD,
MANDYA CITY-571 401

...RESPONDENTS

Digitally signed by
SUMATHY
KANNAN
Location: HIGH
COURT OF
KARNATAKA



(BY SRI B.C. SHIVANNE GOWDA A/W
SMT. KAUSALYA, ADVOCATE FOR
SRI A.M.VENKATESH, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.02.2019 PASSED IN MVC NO.136/2018 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND MEMBER, MACT, SRIRANGAPATNA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal seeks to challenge the Judgment and Award dated 16.02.2019 passed in MVC.NO.136/2018 by the learned Principal Senior Civil Judge and Member, Motor Accidents Claims Tribunal, Srirangapatna (hereinafter referred as 'Impugned Award'). By the Impugned Award, the learned Tribunal has awarded the sum Rs.3,47,000/- to the appellant/claimant along with



interest at 9% per annum from the date of petition till the date of deposit.

2. The Appeal though listed for orders, with the consent of the learned counsel for the parties, is taken up for final hearing and disposal today itself.

3. We have heard the learned counsel for the appellant/claimant and learned counsel for respondent No.2/Insurance Company. Notice to respondent No.1 has been dispensed with, by an order dated 22.06.2026.

4. The challenge in the present appeal is by the appellant/claimant on the quantum of compensation awarded by the learned Tribunal.

5. The brief facts are that on 22.08.2017 at about 08.50 a.m., the appellant/claimant was walking on the left side of the road and at that time the rider of a motorcycle bearing Registration No.KA.11.U.1505 stated to be ridden in a rash and negligent manner hit the petitioner. Due to the accident, the petitioner fell and sustained simple as well as



grievous injuries. The petitioner was shifted to the K.R. Hospital, Mysore, where he has taken treatment as an inpatient and he has also undergone surgery. A claim petition was filed by the petitioner as claimant under Section 166 of Motor Vehicles Act, 1988 (hereinafter referred to as the 'MV Act') stating that since he has sustained grievous injuries due to the accident and also suffered disability, he has lost earning capacity. Other averments were also made in the petition.

6. The claim petition was contested by both the respondents, Insurance Company as well as the owner of the offending vehicle.

7. Based on the pleadings of the parties, the following issues were framed by the learned Tribunal:

"1. Whether the petitioner proves that he had sustained grievous injuries in an accident that was occurred due to rash and negligent riding of the rider of the motor bike bearing Reg.No.KA-11-U-1505 on 22.08.2017 at about 8.50 a.m, near Eramma's land, on Arakere - Vadiyandahalli road, Arakere village, Srirangapatana taluk, Mandya district?"



2. Whether the petitioner is entitled for compensation as prayed for? If so, at what rate? From whom?

3. What order or award?"

8. To prove his case, appellant/claimant examined himself as PW1 and the documents including the FIR (Exhibit P1); Spot Mahazar (Exhibit P3); IMV Report (Exhibit P4); Wound Certificate (Exhibit P5); Charge Sheet (Exhibit P6) and 36 Medical Bills (Exhibit P7) were marked by the claimant to prove the accident as well as the disability. His treating doctor was examined as PW2 who also marked three documents at Exhibits P11 to Exhibit P13 being the case sheets and x-rays. No evidence was produced by either of the respondents nor was any documents filed on their behalf.

9. Based on the evidence on record, the learned Tribunal found that the involvement of the vehicle was not in dispute. The learned Tribunal after examining the evidence placed before it found that there was nothing produced to controvert the deposition of PW-1. Nothing adverse was



elicited from his cross-examination either. Thus, the fact that the accident occurred due to the negligence on the part of the rider of the motorcycle was proved. In addition, the learned Tribunal relied on the copy of the Police Investigation papers and related documents (Exhibits P1 to P6) to give a finding that the rash and negligent driving of the rider of the vehicle as well.

9.1 On the aspect of loss of future income, the learned Tribunal found that although the petitioner was 45 years and stated to have been earning Rs.15,000/- per month, there was no document produced in this behalf. Thus, the notional income of the petitioner was considered at Rs.8,000/- per month. The learned Tribunal also found that the disability suffered is to an extent of 15% to the whole body based on the evidence produced and thus calculated loss of income due to disability as:

$$[\text{Rs.8,000/-} \times 12 \times 15\% \times 13 = \text{Rs.1,87,200/-}]$$



9.2 The Tribunal also awarded amounts under the heading pain and suffering, loss of amenities, and other non-pecuniary heads in the following manner:

Compensation heads	Compensation amount (Rs.)
1. Towards Pain and suffering	Rs. 50,000/-
2. Towards loss of amenities	Rs. 25,000/-
3. Towards loss of future income	Rs. 1,87,000/-
4. Towards attendant, nourishment and conveyance charges	Rs. 20,000/-
5. Towards loss of income during laid up period and rest period	Rs. 36,000/-
6. Towards Medical expenses	Rs. 29,000/-
Total	Rs.3,47,200/-

9.3. Thus, the Tribunal awarded Rs.3,47,200/- along with interest at 9% per annum as compensation.

10. As stated above, the challenge in the present appeal is by the claimant/appellant. The learned counsel for the appellant submits that the amounts awarded towards loss of future income as well as on the other non-pecuniary heads are not in accordance with law. She submits that



since the accident happened in the year 2017, the notional income of Rs.11,000/- per month should have been taken. In addition, she submits that the petitioner was also hospitalized as an inpatient for 21 days, so the loss of income for the laid-up period should be taken for a period of at least four months.

11. Learned counsel for the respondent No.2/Insurance Company on the other hand while fairly submitting that the notional income for the year 2017 was Rs.11,000/- per month, submits that the award under the other heads is in accordance with law.

12. The issue that arises for determination before this Court is, whether the amounts awarded by the learned Tribunal were in accordance with settled legal principles?

13. On the aspect of negligence and on the aspect of the notional income for the year 2017, there is no dispute. The notional income for the year 2017 was Rs.11,000/- per month. It is also not disputed by the appellant/claimant



that the disability percentage was rightly taken at 15%. Thus, so far as it concerns the loss of future income, the amounts should be calculated as follows:

$$[\text{Rs.}11,000 \times 12 \times 15\% \times 13 = \text{Rs.}2,57,400/-]$$

13.1. The amounts that have been awarded towards loss of amenities and attendant, nourishment and conveyance charges however considering the hospitalisation of 21 days is on the lower side. The amounts awarded towards loss of amenities, attendant charges, nourishment and conveyance needs to be enhanced given the injury sustained should be enhanced to Rs.40,000/- and Rs.21,000/-. The amounts awarded towards pain and suffering and medical expenses do not require to be interfered with.

13.2. So far as it concerns the loss of income during the laid-up period and since the hospitalisation was for 21 days, income for the laid up period is to be awarded for a period of four months awarding the amount has to be



recalculated as per the notional income as: (Rs.11,000/- x 4 = 44,000/-). The rest of the award does not require any change. Accordingly, the amounts awarded are re-computed in the following manner:

Compensation heads	Compensation amount (Rs.)
1. Towards Pain and suffering	Rs. 50,000/-
2. Towards loss of amenities	Rs. 40,000/-
3. Towards loss of future income	Rs. 2,57,400/-
4. Towards attendant, nourishment and conveyance charges	Rs. 21,000/-
5. Towards loss of income during laid up period and rest period	Rs. 44,000/-
6. Towards Medical expenses	Rs. 29,000/-
Total	Rs.4,41,400/-
Less: Awarded by MACT	Rs.3,47,200/-
Enhancement	Rs. 94,200/-

14. Hence, the appellant/claimant is entitled to total compensation of **Rs.4,41,400/-** along with interest as awarded by the learned Tribunal from the date of petition till the date of deposit. The enhanced compensation of Rs.94,200/- shall be paid by the respondent No.2/Insurance Company along with the interest awarded.



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

ORDER

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

(ii) The Impugned Judgment and Award dated 16.02.2019 in M.V.C.No.136/2018 passed by the Principal Senior Civil Judge and Member, MACT, Srirangapatna, is modified, to the extent that the claimant is entitled to enhanced compensation of **Rs.94,200/-** along with interest at the rate of 9% per annum in addition to **Rs.3,47,000/-** 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 appellant/claimant, on filing of an appropriate application by the appellant/claimant 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.

(viii) The Registry is directed to ensure that the cause title as appearing in the cause list corresponds with the appeal.

(ix) Pending application(s), if any, stand closed.



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(x) No order as to costs.

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

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

tsn/JJ

List No.: 1 Sl No.: 4