



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.7177 OF 2018(MV-I)

BETWEEN:

SRI. MUNIKRISHNAPPA @ MUNIKRISHNA
S/O MALLAPPA @ MALLAIAH,
AGED ABOUT 42 YEARS,
OCC:SECURITY,
R/AT CHIKKANAHALLI VILLAGE,
B K HALLI POST,
BANGALORE NORTH TALUK,
BANGALORE-562 107.

...APPELLANT

(BY SMT. SUNITHA B.A. ,ADVOCATE)

AND:

Digitally signed by 1. AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

SRI GANGADHARA B S
S/O J SATISH,
NO.302,BANDI
KODAGENAHALLI VILLAGE & POST,
JALA HOBLI,
BANGALORE-562 149.

2. THE MANAGER,
ROYAL SUNDARAM ALLIANCE INS.CO.,LTD.,
NO.186/7,KRAGHAVENDRA COMPLEX,
WILSON GARDEN,1ST CROSS,
HOSUR MAIN ROAD,
BANGALORE-560 027.

...RESPONDENTS



(BY SRI. RAVI S. SAMPRATHI, ADVOCATE FOR R2;
VIDE ORDER DATED 12.02.2020, NOTICE TO R1
IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 08.06.2018 PASSED IN MVC
NO.6524/2016 ON THE FILE OF THE XIII ADDITIONAL JUDGE,
COURT OF SMALL CAUSES AND MEMBER MACT, BENGALURU
[SCCH-15], 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 DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Ms.Sunitha who represents Sri.Latur Suresh
Mahalingappa learned counsel on record for the appellant
as well as Sri.Ravi S Samprathi learned counsel for
respondent No.2.

2. Challenge in this appeal is the award that is
passed by the Motor Accident Claims Tribunal, Bengaluru



in MVC No.6524/2016 dated 08.06.2018. This is a claimant's appeal.

3. The claimant projecting that he sustained grievous injuries in a road traffic accident that occurred in the year 2016 and became permanently and completely disabled to work, filed a petition claiming compensation of Rs.10,00,000/- in total. Tribunal held that compensation which the appellant is entitled to receive is Rs.3,07,000/-. The version of the appellant is that he is entitled to a higher sum.

4. Making her submission on merits of the matter, learned counsel for the appellant contended that appellant sustained a grievous injury due to road traffic accident, got admitted to hospital, took treatment as inpatient and during the course of treatment, underwent a surgery also. Appellant was working as security guard and was earning Rs.12,500/- per month as on the date of accident. But Tribunal took the notional income of the appellant as



Rs.8,000/- per month. Learned counsel contends that the accident occurred in the year 2016 and for the relevant period the Karnataka State Legal Services Authority is taking the notional income as Rs.9,500/- per month for settlement of claims and at least said figure should have been considered by the Tribunal. Learned counsel also states that though evidence was produced to show that the appellant suffers with 27% disability in respect of whole body Tribunal took the disability in respect of whole body, as 12% only. Learned counsel also states that compensation granted under all heads is on lower side and that no amount is awarded as compensation for the expenditure which the appellant incurred for engaging an attendant during the course of treatment.

5. Learned counsel for respondent No.2 submits that Tribunal considering the evidence produced by the appellant awarded Rs.3,07,000/- in total as compensation and the same is justifiable but if the Court intends to grant further sum, there may be marginal enhancement.



6. Appellant succeeded in establishing that he sustained comminuted fracture right distal femur and that he took treatment as inpatient for a period of 12 days. Appellant failed to produce any evidence to establish his earnings as on the date of accident. However, considering the submission that is made by learned counsel for the appellant, this Court considers desirable to take notional income of the appellant as Rs.9,500/- per month. The disability assessed by the Tribunal is proper and therefore, no interference is required in that regard. Thus, the other parameters i.e, application of multiplier '15' and the disability in respect of whole body assessed by the Tribunal i.e., 12% are considered to arrive at the just figure to be payable towards loss of future earnings. Therefore, the compensation which the appellant is entitled to receive towards loss of future earnings is Rs.2,05,200/- (Rs.9,500/-X12X15X12%). The Tribunal granted a sum of Rs.1,73,000/- towards loss of future income. Thus, the enhancement under the head, the loss



of future earnings will be Rs.32,200/- (Rs.2,05,200 - Rs.1,73,000).

7. Considering the nature of injuries sustained, the treatment taken which includes a surgery and the period of treatment as inpatient, this Court is of the view that appellant could not have attended his normal pursuits at least for a period of four months. Thus, loss of earnings during laid up period comes to Rs.38,000/- (Rs.9,500/- X4). Tribunal granted a sum of Rs.16,000/- only under the said head. Thus, the enhancement will be Rs.22,000/- (Rs.38,000 - Rs.16,000). As rightly contended, no amount is awarded as compensation for the expenditure which the appellant would have incurred for engaging an attendant. This Court is of the view that appellant is entitled to a sum of Rs.5,000/- under the said head. Compensation granted under all other heads requires no interference. Thus, total sum which the appellant is entitled to receive in addition to the sum that is awarded by the Tribunal is Rs.59,200/-



(Rs.32,200/- + Rs.22,000/- + Rs.5,000/-). Therefore, the appeal is disposed of with the following:

ORDER

- (i) Appeal is allowed in part.
- (ii) Compensation that is granted by the Motor Accident Claims Tribunal, Bengaluru through orders in MVC No.6524/2016 dated 08.06.2018 is enhanced by Rs.59,200/-.
- (iii) Enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- (iv) Respondent No.2 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of the certified copy of this judgment.
- (v) On such deposit, appellant is permitted to withdraw the entire amount.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**