



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.8792 OF 2019(MV-I)

BETWEEN:

MAHESHA,
S/O MALIAIAH,
AGED 53 YEARS
R/AT HEGGADAHALLI VILLAGE,
GUNDLUPET TALUK,
CHAMARAJNAGAR DISTRICT,
PIN : 571313.

...APPELLANT

(BY SRI. SANATH KUMARA K. M.,ADVOCATE)

AND:

1. NIDHIN
S/O SUBRAMANIYAN,
MAJOR,
R/AT 1107-7, KONNAYKKAL HOUSE,
KRISHNAGIRI POST,
MEENANGADI,
WAYANAD DISTRICT,
PIN - 673591.
2. THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LTD.,
SRI VENKATESWARA OLAZA,
NO.2912, ST STAGE,
SARASWATHIPURAM

Digitally signed by
AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



MYSURU, PIN - 570009.

...RESPONDENTS

(BY SRI. MOHAN KUMAR T., ADVOCATE FOR R2;

R1 SERVED AND UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 13.07.2018, PASSED IN MVC NO.268/2016, ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC., AND MACT, GUNDLUPET, 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 Sri.Sanath Kumara.K.M, learned counsel for the appellant as well as Sri Mohan Kumar.T, learned counsel for respondent No.2.

2. Being aggrieved by the sum that is awarded as compensation by the Motor Accident Claims Tribunal, Gundlupet through orders in MVC No.268/2016 dated 13.07.2018, the claimant therein preferred this appeal.

3. The claimant projecting that he sustained grievous injuries in a road traffic accident that occurred in



the year 2016 and thereby became permanently and completely disabled to work, filed a petition claiming compensation of Rs.36,50,000/- in total. The Tribunal held that he is entitled to a sum of Rs.2,63,980/- as compensation.

4. Learned counsel for the appellant submits that appellant produced sufficient evidence to show that the disability he suffers with is 80% which is permanent in nature. However, Tribunal took the disability in respect of whole body as 19%. But the appellant has no much grievance in that regard. However, appellant as painter was earning Rs.15,000/- per month as on the date of accident. But, Tribunal took the notional income of the appellant as Rs.7,000/- per month unjustifiably. Learned counsel states that accident occurred in the year 2016 and for the relevant period Karnataka State Legal Services Authority is taking the notional income as Rs.9,500/- per month for settlement of claims and at least the said figure should have been considered by the Tribunal. Also stating



that no compensation is awarded towards loss of earnings during laid up period, learned counsel contends that compensation granted under all heads is on lower side.

5. Learned counsel who represents respondent No.2 states that compensation that is granted by the Tribunal is justifiable. However, taking the notional income of the appellant as Rs.9,500/- per month as sought for, there may be marginal enhancement.

6. Having taken the notional income of the appellant as Rs.7,000/- per month, the disability in respect of whole body as 19% and applying appropriate multiplier '13', Tribunal held that appellant is entitled to a sum of Rs.2,07,480/- towards loss of future earnings. As sought for, on taking the notional income of the appellant as Rs.9,500/- per month and without disturbing other parameters i.e., application of appropriate multiplier '13' and disability in respect of whole body as 19%, compensation which the appellant is entitled to receive



towards loss of future earnings comes to Rs.2,81,580/-
(Rs.9500x12x13x19%).

7. As rightly contended, Tribunal failed to award any sum as compensation for loss of earnings during laid up period. Having considered the nature of injuries sustained and the treatment taken, this Court is of the view that appellant could not have attended his normal pursuits for a period of 3 months. Therefore, loss of earnings during laid up period comes to Rs.28,500/- (Rs.9,500x3).

8. Tribunal failed to award any compensation for loss of amenities in life. Likewise compensation granted for pain and suffering i.e., Rs.20,000/- is on lower side. This Court is of the view that appellant is entitled to a sum of Rs.10,000/- towards loss of amenities in life and Rs.30,000/- for pain and suffering. Thus the total sum which the appellant is entitled to receive under different heads is as under:



Sl. No	Description	Amount
1	Compensation for pain and suffering	Rs.30,000
2	Towards food, extra nourishment, attendant and conveyance charges	Rs.20,000
3	Medical expenses	Rs.6,500
4	Loss of future earnings	Rs.2,81,580
5	Loss of income during laid up period	Rs.28,500
6	Future medical expenses	Rs.10,000
7	Loss of amenities	Rs.10,000
Total		Rs.3,86,580

9. Therefore, it is clear that appellant is entitled to a sum of Rs.3,86,580/- as compensation. The compensation that is granted by the Tribunal is Rs.2,63,980/- only. Therefore, the appeal is disposed of with the following:

ORDER

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



- (ii) The compensation that is granted by the Motor Accident Claims Tribunal, Gundlupet through orders in MVC No.268/2016 dated 13.07.2018 is enhanced from Rs.2,63,980/- to Rs.3,86,580/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit except for the period of delay of 399 days as per orders on I.A.No.1/2019 dated 11.03.2022.
- (iv) Respondent No.2 is directed to deposit the enhanced sum within a period of 8(eight) weeks from the date of receipt of certified copy of this judgment.
- (v) On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE