



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO.6599 OF 2023(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.7143 OF 2023(MV-I)

IN MFA No. 6599/2023

BETWEEN:

MR. AKSHAY S
S/O SOMASHEKAR,
AGED ABOUT 25 YEARS,
R/AT NO.6, 12TH CROSS, 35TH MAIN,
JP NAGAR 6TH PHASE,
BANGALORE-560 078

...APPELLANT

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

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

AND:

1. THE NEW INDIA ASSURANCE CO. LTD
T.P.HUB,
MAHALAKSHMI CHAMBERS,
2ND FLOOR, M.G.ROAD,
BANGALORE-560 001
REPRESENTED BY ITS MANAGER.
2. MR. VINOD KUMAR
R/O BHADUNDA KHURD,
VPO, JHUNIHUNU,



NC: 2026:KHC:32727-DB
MFA No. 6599 of 2023
C/W MFA No. 7143 of 2023

TEHSIL, RAJASTHAN-333 024

...RESPONDENTS

(BY SRI. RAVISHANKAR C.R, ADVOCATE FOR R1,
VIDE COURT ORDER DATED 15.01.2025, NOTICE TO R2
IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 16.02.2023 PASSED IN MVC
NO. 2824/2021 ON THE FILE OF THE XVII ADDITIONAL JUDGE,
COURT OF SMALL CAUSES AND MEMBER, MACT, MAYO HALL
UNIT, BENGALURU (SCCH-21), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

IN MFA NO. 7143/2023

BETWEEN:

THE NEW INDIA ASSURANCE CO., LTD.,
T.P CLAIMS HUB,
MAHALAKSHMI CHAMBERS
2ND FLOOR,
BANGALORE-560 001
REPRESENTED BY ITS MANAGER

...APPELLANT

(BY SRI. RAVISHANKAR C.R, ADVOCATE)

AND:

1. MR. AKSHAY S
AGED ABOUT 25 YEARS
S/O SRI. SOMASHEKAR
R/AT NO.6, 12TH CROSS,
35TH MAIN ROAD,
J.P. NAGAR 6TH PHASE
BANGALORE-560 078
2. SRI VINOD KUMAR
R/O BHADUNDA KHURD
VPO JHUNJHUNU



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MFA No. 6599 of 2023
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TEHSIL
RAJASTHAN-333 024

...RESPONDENTS

(BY SRI. GURUDEV PRASAD K.T, ADVOCATE FOR R1,
R2 - SERVED, UN-REPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.02.2023 PASSED IN MVC NO. 2824/2021 ON THE FILE OF THE XVII ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU SCCH-21, AWARDING COMPENSATION OF RS.1,18,84,132/- WITH INTEREST AT 6 PERCENT P.A. on RS.1,15,84,132/- FROM THE DATE OF PETITION TILL REALIZATION(EXCLUDING FUTURE MEDICAL EXPENSES OF RS.3,00,000/-).

THESE APPEALS, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

These two appeals arise out of the judgment and award dated 16.02.2023 in MVC No.2824/2021 passed by the XVII Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (for short, 'the Tribunal'), whereby the Tribunal has awarded compensation of Rs.1,18,84,132/- with interest at the rate of 6% per annum in favour of the claimant.



2. MFA No.7143/2023 is preferred by the insurer questioning the quantum of compensation awarded by the Tribunal, whereas MFA No.6599/2023 is preferred by the claimant seeking enhancement of compensation.

3. The facts, in brief, are that on 19.02.2021 at about 3.40 p.m., when the claimant was riding his Honda Activa scooter bearing Registration No.KA-03-HC-8868 on Hosur Main Road near Konappana Agrahara Junction, Electronic City, Bengaluru, a lorry bearing Registration No.RJ-18-GB-5929, dashed against the scooter from behind. In the said accident, the claimant sustained grievous injuries, including crush injuries to the right lower limb resulting in above-knee amputation. He filed a claim petition before the Tribunal.

4. Upon appreciation of the oral and documentary evidence placed on record, the Tribunal partly allowed the claim petition and awarded compensation of Rs.1,18,84,132/- with interest. Aggrieved thereby, both the insurer and the claimant are before this Court.



5. Heard learned counsel Sri. K.T. Gurudeva Prasad, appearing for the claimant and the learned counsel Sri. Ravishankar C.R. for the insurer and also perused the materials available on record.

6. Learned counsel appearing for the insurance company would contend that the compensation awarded by the Tribunal is exorbitant and disproportionate to the evidence available on record. It is submitted that the Tribunal erred in accepting the claimant's monthly income at Rs.42,000/- without there being satisfactory and legally acceptable proof regarding regular earnings. It is further contended that the Tribunal was not justified in assessing the functional disability at 80% and in granting addition towards future prospects. According to the insurer, the evidence of the doctor does not justify the extent of disability adopted by the Tribunal and the award under various heads, particularly loss of future earning capacity and future medical expenses, calls for substantial reduction. It is therefore prayed that the impugned judgment and award be modified by suitably reducing the compensation.



7. *Per contra*, learned counsel appearing for the claimant would support the findings recorded by the Tribunal regarding negligence, income and disability, while contending that the compensation awarded is still inadequate having regard to the nature of injuries suffered by the claimant. It is submitted that the claimant, a young Civil Engineer aged about 24 years, has suffered permanent above-knee amputation of the right leg, resulting in severe impairment of his earning capacity and enjoyment of life. It is further contended that the Tribunal has awarded meagre compensation under the heads of pain and suffering and future medical expenses more particularly on prosthesis limb. Learned counsel therefore seeks enhancement of compensation by allowing the appeal filed by the claimant.

8. In light of the rival submissions and the material available on record, the following points arise for consideration:

(i) Whether the Tribunal was justified in partly allowing the claim petition filed by the claimant?



9. We have given our anxious consideration to the rival submissions advanced by the learned counsel appearing for the parties and have carefully examined the records.

10. As could be gathered from records, the occurrence of the accident, involvement of the offending lorry and the injuries sustained by the claimant are not in dispute. The Tribunal, upon appreciation of the records, medical evidence and other documents, has recorded a finding that the accident occurred due to the rash and negligent driving of the offending lorry. The claimant suffered grievous injuries resulting in above-knee amputation of the right lower limb and underwent prolonged treatment. The controversy in the present appeals is essentially confined to the correctness of the quantum of compensation awarded by the Tribunal under various heads.

11. Insofar as the contention of the insurer regarding assessment of income is concerned, we do not find any merit in the same. The Tribunal has not adopted the income of the claimant on a notional basis. On the contrary, it has undertaken a detailed examination of the oral and documentary evidence placed on record. The claimant, a qualified Civil Engineer,



produced his educational certificates, appointment letter, pay slips, termination letter, attendance records, work permits, purchase orders and income-tax returns i.e. Exs.P23 to P33. In addition thereto, the proprietor of M.R. Constructions, the Chartered Accountant and an official from Page Industries were examined in support of the claimant's case. Additionally, the claimant has produced income-tax returns for the year 2021-2022 as per Ex.P44. Upon appreciation of these evidence and documents, the Tribunal recorded a categorical finding that the claimant was employed as a Civil Engineer and was receiving salary from the said employment i.e. after deductions a sum of Rs.42,000/- per month. Significantly, the insurer has not adduced any rebuttal evidence to discredit the documents relied upon by the claimant. We are therefore of the considered view that the Tribunal was fully justified in assessing the monthly income of the claimant at ₹42,000/-, and accordingly the contention urged by the insurer on this aspect deserves to be rejected.

12. Thus, the Tribunal rightly awarded the compensation on the head of loss of future income, medical



expenses, conveyance food and nourishment, loss income during laid up period, loss of amenities in life. However, the Tribunal awarded Rs.50,000/- on the head of pain and sufferings, considering the nature of injury sustained and the amputation, the same has to be enhanced for Rs.1,00,000/-. Further the Tribunal has awarded Rs.3,00,000/- for future medical expenses including artificial limb.

13. The Hon'ble Apex Court in a recent decision of **TATA AIG GENERAL INS. CO. LTD. vs. SURAJ KUMAR AND OTHERS** reported in **2025 ACJ 1314** has come to the conclusion that the prosthesis limb would have to be changed every 5 years and while awarding compensation, it has taken the life expectancy at 70 years and awarded compensation on the head of artificial limb.

14. In view of the above judgment, considering the nature of injuries and amputation, a sum of Rs.10,00,000/- could be awarded on the head of artificial limb, including the sum awarded by the Tribunal on the said head.

15. In modification of award of the Tribunal, the claimant would be entitled to the following compensation:



Sl. No.	Compensation under different Heads	As awarded by the Tribunal (Rs.)	As awarded by this Court (Rs.)
1.	Pain and suffering	50,000	1,00,000
2.	Loss of amenities	1,00,000	1,00,000
3.	Loss of income during the laid up period	1,26,000	1,26,000
4.	Attendant charges, Extra diet and conveyance	10,000	10,000
5.	Medical expenses	11,46,132	11,46,132
6.	Future medical expenses /Compensation towards Prosthesis	3,00,000	10,00,000
7.	Loss of Future Income	1,01,52,000	1,01,52,000
	Total	1,18,84,132	1,26,34,132

16. Thus, the claimant is held entitled to the total compensation of **Rs.1,26,34,132/-** as against Rs.1,18,84,132/- awarded by the Tribunal along with interest at the rate of 6% per annum from the date of petition till its realization excluding interest on Rs.10,00,000/- awarded towards artificial limb.



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17. The insurance company is directed to deposit the amount of compensation awarded within six weeks from the date of uploading this order on the website of the High Court.

Accordingly, we answer the point raised above in favour of the claimant and consequently the MFA.No.6599/2023 is ***allowed in part*** and MFA.No.7143/2023 is ***dismissed***.

The amount if any deposited, the same shall be transmitted to the Tribunal.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 46