



CNR: KAHC010543542018

NC: 2026:KHC:49960-DB
MFA No. 5500 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

MISCELLANEOUS FIRST APPEAL NO. 5500 OF 2018 (MV-I)

BETWEEN:

SRI. SUSHANTH KUMAR RAUT
S/O BALARAM KUMAR RAHUT
AGED ABOUT 40 YEARS
R/AT NO.120
JAYARAMA MANE
DINNUR, KADUGODI
BANGALORE-560 067

...APPELLANT

(BY SRI: SRINIVASA T P ADVOCATE)

AND:

Digitally signed
by PAMITHRA B
Location: HIGH
COURT OF
KARNATAKA

1. MALLESHA G
S/O GOVINDAPPA
MAJOR
R/O NO.182 A
THIRUVALLAVAR STREET
BELLİYAPPA NAGAR
WALAJAPET
VELLOURE-632 402
2. M/S. H.D.F.C. ERGO GENERAL
INSURANCE CO. LTD.,
NO.25/1, 2ND FLOOR
SHANKARANARAYAN BUILDING



CNR: KAHC010543542018

NC: 2026:KHC:49960-DB
MFA No. 5500 of 2018

M.G.ROAD
BENGALURU-560 001

...RESPONDENTS

(BY SRI: A VIJIKUMAR, ADVOCATE FOR R1;
SRI: D VIJAYKUMAR, ADVOCATE FOR R2 - [VC])

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 13.04.2018 PASSED IN MVC NO.6080/2016 ON THE FILE OF THE 15TH ADDITIONAL SMALL CAUSES JUDGE & 23RD ACMM, MEMBER, MAYO HALL UNIT, MACT, BENGALURU (SCCH-19), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.P.VIVEKANANDA)

This appeal is directed against the judgment and award in MVC No.6080 of 2016 dated 13.04.2018 passed by the Motor Accidents Claims Tribunal and XV Additional Judge, Mayo Hall Unit, Bengaluru (SCCH-19). The claim petition was filed by the appellant herein seeking compensation for the bodily injuries sustained in the motor accident occurred on 03.09.2016.



CNR: KAHC010543542018

**NC: 2026:KHC:49960-DB
MFA No. 5500 of 2018**

2. The appellant had sought for compensation of Rs.15,00,000/-. He was examined as PW1. He has also examined PW4 - the doctor who has treated the appellant. The appellant was inpatient for 3 days from 03.09.2016 to 06.09.2016 and undergone a surgery. The doctor has assessed the disability of the appellant at 15.65% since the appellant has suffered injuries to right tibia and right lateral malleolus and according to the doctor, the said injuries are grievous in nature. Considering the evidence of the appellant and the doctor, the Tribunal has awarded the compensation of Rs.50,000/- towards pain and suffering.

3. It is the submission of learned counsel for the appellant that considering the nature of injuries and the treatment undergone, the compensation of Rs.50,000/- is on the lower side and is liable to be enhanced. Taking note of the nature of injuries and period of treatment, so also, the surgery undergone by the appellant, we are of the opinion that the appellant is entitled for additional compensation of **Rs.10,000/-** towards pain and suffering.



CNR: KAHC010543542018

NC: 2026:KHC:49960-DB
MFA No. 5500 of 2018

4. The appellant has produced the medical bills for Rs.1,24,950/- and the said amount has already been awarded by the Tribunal, which requires no enhancement. The Tribunal has awarded Rs.10,000/- towards transportation, nourishment and attendance charges, which in our opinion is in lower side and require enhancement by another **Rs.10,000/-**.

5. It is the contention of appellant that despite the doctor assessing the disability at 15.65% towards the whole body, the Tribunal has considered the disability at 11%, which is wholly unreasonable, and the Tribunal could not have reduced the percentage of disability assessed by the expert. Since no contra evidence is produced by the respondents to dispute the assessment of disability at 15.65% to the whole body, we are of the opinion that the percentage of disability is required to be considered at 15%. Accordingly, the loss of future income is enhanced from Rs.2,37,600/- to **Rs.3,24,000/-** (12,000 x 12 x 15 x 15%).

6. The Tribunal has awarded a sum of Rs.10,000/- towards future medical expenses on the ground that the



CNR: KAHC010543542018

NC: 2026:KHC:49960-DB
MFA No. 5500 of 2018

petitioner has to undergo surgery for removal of implants. Taking note of the present cost of medical expenses, we are of the opinion that further sum of **Rs.10,000/-** to be granted under the said head.

7. The Tribunal has awarded a sum of Rs.10,000/- towards loss of amenities. Considering the fact that the appellant has sustained injuries to right tibia, which is grievous in nature it is just and reasonable to grant additional compensation of **Rs.30,000/-** under the said head.

8. The Tribunal has not granted any compensation towards loss of income during laid up period. As noticed above, the appellant was inpatient for three days and undergone surgery for insertion of implants. It is quite obvious that atleast for a period of three months, he would not have undertaken any work resulting in loss of earning. Therefore, we find it appropriate to award compensation for a period of three months towards loss of earning during treatment at Rs.12,000/- per month, which comes to **Rs.36,000/-** (12,000 x 3).



CNR: KAHC010543542018

NC: 2026:KHC:49960-DB
MFA No. 5500 of 2018

9. The tabular statement of the details of compensation awarded by the Tribunal and enhanced by this Court and the total enhanced compensation for which the appellant is entitled to is detailed below:

Sl. No.	Particulars of heads	MACT Award (Rs.)	Enhanced compensation (Rs.)	Total
1	Pain and sufferings	50,000/-	10,000/-	60,000/-
2	Medical Expenses	1,24,950/-	NIL	1,24,950/-
3	Transportation, Nourishment and Attendant charges	10,000/-	10,000/-	20,000/-
4	Loss of future income	11% disability 2,37,600/-	15% disability 86,400/-	3,24,000/-
5	Future medical expenses	10,000/-	10,000/-	20,000/-
6	Loss of amenities	10,000/-	30,000/-	40,000/-
7	Loss of income during treatment	NIL	36,000 (12x3)	36,000/-
	Total	4,42,550/-	1,82,400/-	6,24,950/-

10. In the result,

(i) Appeal is ***allowed in part.***

(ii) The judgment and award dated 13.04.2018 in MVC No.6080 of 2016 passed by the Motor Accidents Claims Tribunal



**NC: 2026:KHC:49960-DB
MFA No. 5500 of 2018**

CNR: KAHC010543542018

and XV Additional Judge, Mayo Hall Unit, Bengaluru (SCCH-19), is modified entitling the appellants for an enhanced compensation of Rs.1,82,400/- over and above the compensation already granted by the Tribunal.

(iii) The enhanced compensation shall carry interest at 9% per annum from the date of petition, till its realization.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

BGN
List No.: 1 Sl No.: 0