



CNR: KAHC010572962024

NC: 2026:KHC:45616
MFA No. 6613 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 6613 OF 2024 (MV-I)

BETWEEN:

RAVI
S/O LATE MARIYAPPA,
NOW AGED ABOUT 50 YEARS,
R/A NAGANADODDI VILLAGE,
KOPPA HOBLI, MADDUR TALUK,
MANDYA DISTRICT.

...APPELLANT

(BY SRI. RAGHU. R, ADVOCATE)

AND:

1. DEVARAJU. M
S/O MADAPPA, MAJOR,
R/A KEELAGHATTA VILLAGE,
KOPPA HOBLI,
MADDUR TALUK – 571 428,
MANDYA DISTRICT.
2. THE MANAGER,
UNITED INDIA INS. CO., LTD.,
NO. 1119, M.C. ROAD,
MANDYA TOWN AND CITY – 571 401

...RESPONDENTS

(BY SRI. P.B.RAJU, ADVOCATE FOR R2;
V/O DATED 31.07.2025, NOTICE TO R1 IS D/W)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.09.2023 PASSED IN MVC
NO. 701/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
MACT, MADDUR, PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.



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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking for enhancement of compensation arising out of judgment and award dated 13.09.2023 in MVC.No.701/2021 passed by the Motor Accident claims Tribunal and Senior Civil Judge, Maddur¹.

2. The parties are referred to as per their ranking before the Tribunal.

3. Sri.Raghu.R, learned counsel appearing for the claimant and Sri. P.B.Raju, learned counsel appearing for respondent No.2. Vide order dated 31.07.2025, notice to respondent No.1 is dispensed with.

4. Sri. Raghu.R, with all vehemence submits that the Tribunal while considering the medical expenses has failed to consider Ex.P9 and Ex.10, the payment made towards inpatient medical bills. However, the Tribunal has

¹ 'Tribunal' for short



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considered the medical expenses at Rs.1,58,000/- on the basis of other documents. In that view of the matter, the inpatient medical bills which are independent of the amount awarded under medical expenses ought to have been considered by the Tribunal and awarded the sum involved in the said medical bills.

5. Further, he submits that the claimant has suffered 57% to the whole body disability as per the evidence of the doctor who has been examined under a commission. Though the Tribunal has considered the 57% total body disability, however, failed to add future prospectus. He further submits that, in view of the injury suffered, disability resulted, the compensation awarded under other heads requires re-consideration and re-assessment and sought to allow the appeal and enhance the compensation.

6. Sri.P.B.Raju, though argued in support of the judgment of the trial Court, but with all fairness submits that, the Tribunal has not considered the inpatient bills



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which has been properly stated in the evidence on oath, contending that he has spent more than Rs.4,29,156/-. He submits that reasonable enhancement may be awarded.

7. Having considered the rival submissions, this Court has perused the entire appeal papers as well as trial Court record.

8. What transpires from the trial Court record is that, the Tribunal has not at all considered the inpatient bills at Ex.P9, for a total sum of Rs.2,45,500/-, though the claimant has stated the same on oath in his oral evidence supporting the bills that he has spent Rs.4,29,156/-. The documents Ex.P9 and Ex.P10, which have not been considered by the Tribunal speaks that he has spent another sum of Rs.2,45,500/-. Accordingly, the claimant is entitled for the said amount, apart from the amount which has been awarded by the Tribunal under the head of medical expenses to the extent of Rs.1,58,000/- including medicines, transportation and nourishment expenses towards hospitalization and medicines.



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9. In view of settled position of law laid down by the Hon'ble Supreme Court, whenever there is a disability more than 20%, the claimants are also entitled for addition of future prospectus to the existing income.

10. A perusal of the entire award under various heads, when compared to injury, treatment taken and medical expenses incurred and disability resulted appears to be inadequate and requires reconsideration. The claimant was 48 years, at the time of accident accordingly he is entitled for adding of future prospectus to the extent of 25%.

11. Accordingly this Court, proceeds to re-consider and re-assess the compensation which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of future earnings on account of permanent disability	13,33,800-00	16,67,250-00 (Rs.15,000+25%X12X13X57%)
2.	Expenses towards treatment, hospitalization, medicines, transportation and nourishment.	1,58,000-00	4,03,500-00 (Rs.2,45,000+Rs.1,58,000)
3.	Loss of earnings during period of treatment i.e., laid up period	90,000-00	90,000-00
4.	Future medical expenses	50,000-00	50,000-00
5.	Pain and suffering	50,000-00	1,00,000-00
6.	Loss of amenities and enjoyment of life	30,000-00	1,00,000-00
	TOTAL	17,11,800-00	24,10,750-00



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12. Accordingly, the claimant is entitled for enhanced compensation of Rs.6,98,950/- rounded off to **Rs.6,99,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realisation.

13. For the forgoing reasons, this Court proceeds to pass the following:

ORDER

- i. Appeal is ***allowed in part.***
- ii. The judgment and award dated 13.09.2023 in MVC.No.701/2021 passed by the Motor Accident claims Tribunal and Senior Civil Judge, Maddur, is hereby modified and enhanced to **Rs.6,99,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realisation.
- iii. The respondent No.2/Insurer shall deposit entire enhanced compensation along with interest supra before the concerned Tribunal within six weeks from the date of receipt of copy of this order.
- iv. Upon deposit, 50% shall be released in favour of the claimant on proper identification and balance 50% shall be invested in any interest bearing FDR



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with any Nationalized Bank for a period of 5 years. The petitioner is entitled to receive the interest quarterly.

- v. The Bank shall not permit any loan on the amount kept in fixed deposit, without there being any order by the Tribunal/Court.
- vi. Registry is directed to transmit the Trial Court records forthwith to the concerned Tribunal without any delay.
- vii. In view of disposal of the appeal, interlocutory applications, if any, does not survive for consideration accordingly dismissed.

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 34