



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 8461 OF 2022 (MV-I)

BETWEEN:

PUTTABUDDI S/O LATE MAHADEVAPPA,
AGED ABOUT 49 YEARS,
R/AT 109, SIDDAPPAJI TEMPLE ROAD,
VARUNA HOBLI, LALITHADRIPURA,
POST YANDAHALLI,
MYSURU-571 130.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR., ADVOCATE)

AND:

1. GIRISHA E S/O EREGOWDA,
AGED ABOUT 37 YEARS,
R/AT 673. LALITHADIPURA VILLAGE,
BEHIND SCHOOL, VARUNA HOBLI,
MYSURU DISTRICT-571 130.
2. Ms. TURBO INDIA,
114, PETE CHANNAPPA INDL. ESTATE,
KAMAKSHIPALYA,
BENGALURU-560 079.
3. THE MANAGER
UNITED INDIA INSURANCE CO. LTD.,
NEW KANTHARAJ URS ROAD,
BALLAL CIRCLE, MYSURU-570 004.

...RESPONDENTS

(BY SRI. C. SHANKARA REDDY, ADVOCATE FOR R3;
NOTICE TO R1 & R2 IS DISPENSED WITH)



THIS MFA IS FILED UNDER SECTION 173 (1) OF MOTOR VEHICLE ACT PRAYING TO CALL THE RECORDS IN MVC.NO.55/2020 ON THE FILE OF THE III ADDITIONAL DISTRICT JUDGE AND MACT AT MYSURU WHICH WAS DISPOSED OFF ON 13.01.2022 TO ENHANCE THE COMPENSATION AGAINST THE AWARD PASSED BY THE TRAIL COURT A SUM OF Rs.6,45,562/- AS AGAINST THE COMPENSATION CLAIM BY THE APPELLANT A SUM OF Rs.14,98,000/- AGAINST THE RESPONDENT IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

This appeal is the outcome of order that is rendered by the Motor Accident Claims Tribunal, Mysuru in MVC.No.55/2020 dated 13.01.2022.



2. Heard Sri. Syed Abdul Saboor, learned counsel for the appellant as well as Sri. C. Shankara Reddy, learned counsel who represents respondent No.3

3. The appellant who admittedly sustained injuries in a road traffic accident that occurred in the year 2019 filed a petition claiming compensation of Rs.42,40,000/-. The Tribunal through the impugned order held that the appellant is entitled to a sum of Rs.6,45,562/- as compensation. Projecting that he is entitled to a higher sum, this appeal is filed by the claimant.

4. The version put forth and the arguments advanced by learned counsel for the appellant are that while the appellant was proceeding on a motorcycle, he was hit by a car which was insured with respondent No.3 and thereby appellant sustained grievous injuries. Learned counsel submitted that the appellant was running a hotel and was earning Rs.25,000/- per month by the date of accident. But Tribunal took the income of the appellant as



Rs.12,000/- per month unjustifiably. Learned counsel submitted that accident occurred in the year 2019 and for the relevant period the Karnataka State Legal Services Authority is taking the notional income as Rs.14,000/- per month for settlement of claims and at least said figure should have been adopted by the Tribunal. Learned counsel also stated that Tribunal has not awarded any compensation towards loss of amenities in life and further compensation granted by all other heads is on lower side and therefore, this appeal is filed. Learned counsel thereby seeks to enhance the compensation.

5. Learned counsel who represented respondent No.3 made his submission that Tribunal granted huge sum of Rs.80,000/- towards pain and suffering and Rs.72,000/- towards loss of earnings during laid up period. Learned counsel submitted that taking the notional income of the appellant as Rs.14,000/- per month, there may be marginal enhancement.



6. Appellant by all the evidence produced established that he sustained a laceration on left eye, contusion over left forearm, fracture of lower end of left radius, fracture of shaft of femur left side and diffuse / axonal injury grade-I on the head. Considering those injuries and also noticing the fact that the appellant underwent a surgery too, Tribunal granted a sum of Rs.80,000/- towards pain and suffering and hence, no interference is required in that regard.

7. So far as loss of future earnings is concerned, considering the submission made, the notional income of the appellant is taken as Rs.14,000/- per month. On taking the notional income of appellant as Rs.14,000/- per month and without disturbing other parameters i.e., adding 25% towards future prospects, applying the appropriate multiplier 13 and the disability in respect of whole body as 10%, compensation which the appellant is entitled to receive towards loss of future earnings comes to Rs.2,73,000/- (Rs.14,000/- x 12 + 25% x 13 x 10%).



8. The Tribunal granted a sum of Rs.2,34,000/- towards loss of future earnings. Thus, the enhancement under the head of loss of future earnings will be Rs.39,000/- (Rs.2,73,000/- minus Rs.2,34,000/-).

9. The Tribunal granted a sum of Rs.17,000/- towards diet, attendant charges, traveling and miscellaneous expenses. In the light of extensive treatment taken by the appellant including surgery, this Court is of the view that said sum is grossly on lower side. This Court considers desirable to grant an additional sum of Rs.10,000/- towards food, extra nourishment, attendant and conveyance charges.

10. Further this Court is of the view that the appellant is entitled to a sum of Rs.30,000/- towards loss of amenities in life.

11. Compensation granted under all other heads is justifiable. Therefore, total sum which appellant is entitled to receive in addition to the sum that is granted by the Tribunal is Rs.79,000/- (Rs.39,000/- + Rs.10,000/- + Rs.30,000/-). Therefore, 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, Mysuru through orders in MVC.No.55/2020 dated 13.01.2022 is enhanced by Rs.79,000/-.
- 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.3 is directed to deposit the enhanced sum within a period of 08 weeks from the date of receipt of certified copy of this judgment.
- V. On deposit, appellant is permitted to withdraw the entire amount.

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

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List No.: 19 SI No.: 1
CT:SI