



CNR: KAHC010624532024

NC: 2026:KHC:44266
MFA No. 7156 of 2024
C/W MFA No. 7155 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.7156 OF 2024(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.7155 OF 2024(MV-I)

IN MFA No.7156/2024:

BETWEEN:

SRI. S. RAMANJINAPPA,
S/O SOULRAPPA,
AGED ABOUT 41 YEARS,
R/AT AMMANALLUR VILLAGE,
KOLAR TALUK AND DISTRICT.

...APPELLANT

(BY SRI. SUSHMITHA G., ADVOCATE)

AND:

1. SMT. MULE HARITHA,
W/O MULE BALARKRISHNAREDDY,
MAJOR IN AGE,
R/AT NEAR ANKALAMMASTREET,
KONDAREDDIPALLEM,
GUUVADI GANDIPLEM MANDAL,
NELLORE DISTRICT.
ANDHRA PRADESH - 524 001.
2. SBI GENERAL INS CO., LTD.,
RUKMANI TOWERS,
PLOT FORMR OAD F
SHESHADRIPURAM,
BANGALORE - 560 020.
REP BY ITS MANAGER.



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...RESPONDENTS

(BY SRI. P.S. JAGADISH, ADVOCATE FOR R2,
VIDE ORDER DATED 25.07.2025 NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:22.06.2024
PASSED IN MVC NO.1767/2021 ON THE FILE OF THE XXIII
ADDITIONAL SMALL CAUSE JUDGE, MACT, BENGALURU,
(SCCH-25), ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

IN MFA NO.7155/2024:

BETWEEN:

SRI. M. ASHWATHA,
S/O THO MUNIYAPPA,
AGED ABOUT 43 YEARS,
R/AT AMAMNALLUR VILLAGE,
KOLAR TALUK AND DISTRICT.

...APPELLANT

(BY SRI. SUSHMITHA G., ADVOCATE)

AND:

1. SMT. MULE HARITHA,
W/O MULE BALAKRISHNAREDDY,
MAJOR IN AGE,
R/AT NEAR ANKALAMMA STREET,
KONDAREDDIPALLEM,
GUUVADI GANDIPLEM MANDAL,
NELLORE DISTRICT.
ANDHRA PRADESH - 524 001.
2. SBI GENERAL INS CO., LTD.,
RUKMANI TOWERS,
PLOT FORM ROAD,



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SHESHADRPURAM,
BENGALURU - 560 020.
REP BY ITS MANAGER.

...RESPONDENTS

(BY SRI. P.S. JAGADISH, ADVOCATE FOR R2,
VIDE ORDER DATED 25.07.2025 NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:22.06.2024
PASSED IN MVC NO.1768/2021 ON THE FILE OF THE XXIII
ADDITIONAL SMALL CAUSES JUDGE, MACT, BENGALURU,
(SCCH-25), ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

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

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

ORAL JUDGMENT

These two appeals by the claimants, assailing the
common Judgment and Award dated 22.06.2024, passed
by the XXIII Addl. Small Causes Judge, MACT, Bengaluru
(SCCH-25)¹, in MVC Nos.1767/2021 and 1768/2021,
seeking enhancement of compensation.

¹ The 'Tribunal', for short



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

3. Facts germane to file these appeals are as under:

3.1 In an accident occurred on 09.01.2021, claimant in MFA No.7156/2024 (MVC No.1767/2021) being a rider and claimant in MFA No.7155/2024 (MVC No.1768/2021) being a pillion, in motorcycle bearing Registration No.KA-40-R-205, when they were proceeding towards their village Ammanallur from Vyjakuru Village at 4:20 pm, and were entering Bangalore-Madanapalli Road, a Innova Car bearing Registration No.AP-39-FP-5009 came with high speed, in a rash and negligent manner to the extreme left side of the road and dashed against the motorcycle of the claimants. Due to the impact, both rider and pillion, fell down and sustained grievous injuries, resulting in disability.



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4. The Tribunal under the impugned Judgment and Award, partly allowed both the petitions and awarded compensation of Rs.7,49,700/- to the claimant in MVC No.1767/2021 and Rs.7,43,000/- to the claimant in MVC No.1768/2021, with interest @ 6% per annum from the date of petition till the date of deposit of amount. It is this common Judgment and award passed by the Tribunal, is called in question in these appeals by the claimants, seeking enhancement of compensation.

5. Heard, Ms.Sushmitha.G, learned counsel appearing for the appellants/ claimants and Sri.P.S.Jagadish, learned counsel appearing for respondent No.2 /Insurer in both the appeals.

IN MFA NO.7156/2024 (MVC No.1767/2021):

6. Ms.Sushmitha.G, argued this matter only on one point that, when compared to the grievous injuries sustained by the claimants including Crush injury in right foot and Laceration of medical aspect of sole of foot and



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the evidence of PW.5, doctor that the physical disability of lower limb at 30%, amputation of the first and second toe at 14% and that of his whole body disability at 22%, the Tribunal has considered the disability at 18% and awarded meager compensation. Hence, the same requires reconsideration by considering future prospectus with existing income. Secondly that, the compensation awarded by the Tribunal except medical expenses are inadequate and the same requires to be enhanced.

7. Per contra, Sri.P.S.Jagadish, learned counsel appearing for the Insurer submits that the Tribunal after going through the entire material placed on record, has appropriately awarded compensation under each head. Hence, the Judgment and award of the Tribunal does not call for any interference.

8. Having considered the rival submissions, this Court perused the entire appeal paper.



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9. The evidence of the Doctor, is clear and loud, stating that lower limb disability due to the injuries sustained resulted in 30%, amputation of the first and second toe at 14% and that of his whole body disability at 22%. The injury suffered has made the disfiguration of feet and almost useless. In that view of the matter, considering the avocation even as unskilled coolie, the claimant has to suffer injuries to the rest of his life. In view of settled position of law by the Hon'ble Supreme Court, claimant is entitled for consideration of future prospectus while calculating loss of future income. The income is properly considered at Rs.15,000/-, since he was aged 39 years, 40% is required to be added towards future prospectus. Considering his age, the Tribunal has rightly taken multiplier at '15'.

10. Further, looking into the injury, surgery undergone, period of in-patient, the compensation awarded under other heads, except medical expenses, requires reassessment. Accordingly, this Court proceeds to



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reassess the compensation awarded by the Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	60,000-00	1,00,000-00 (60,000+40,000)
2.	Medical expenses	5,639-00	5,639-00
3.	Loss of income during laid up period	30,000-00	60,000-00 (15,000x4)
4.	Loss of future income	5,94,000-00	8,31,600-00 (15,000+40%x12x15x22%)
5.	Loss of amenities and happiness	30,000-00	60,000-00 (30,000+30,000)
6.	Attendant charges, conveyance, food and nourishment	30,000-00	50,000-00 (30,000+20,000)
	TOTAL	7,49,639-00	11,07,239-00

11. Accordingly, the claimant in MFA No.7156/2024 (MVC No.1767/2021) is entitled for enhanced compensation of Rs.3,57,600/- (11,07,239 - 7,49,639) rounded off to **Rs.3,58,000/-** with interest at the rate 6% interest per annum from the date of petition till realization.

IN MFA NO.7155/2024 (MVC No.1768/2021):

12. Ms.Sushmitha.G, argued this matter only on one point that, when compared to the grievous injuries



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sustained by the claimant including limping painful gait, weakness & loss of muscle in the right lower limb, restricted painful movements at the right hip joint, right hip shows mal-united fracture of the Acetabulum with implant in-situ and OA changed in the right hip joint, and the evidence of PW.5, doctor stating that the disability of the right lower limb at 60% and that of his whole body disability at 22%, the Tribunal has considered the disability at 18% and awarded meager compensation. Hence, the same requires reconsideration by considering the future prospectus to the existing income. Secondly that, the compensation awarded by the Tribunal under each head except medical expenses is inadequate and the same requires to be enhanced.

13. Per contra, Sri.P.S.Jagadish, learned counsel appearing for the Insurer submits that the Tribunal after going through the entire material placed on record, has appropriately awarded compensation under every head.



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Hence, the Judgment and award of the Tribunal does not call for any interference.

14. Having considered the rival submissions, this Court perused the entire appeal paper.

15. The evidence of the Doctor, is clear and loud, regarding the disability resulted due to the injuries sustained i.e., injury i.e., Acetabulum with implant in-situ. In view of the fact that the injury sustained is grievous in nature and it affects movement of the body, this Court deem it appropriate to consider the disability at 25%. In that view of the matter, considering the avocation even as unskilled coolie, the claimant has to suffer injuries to the rest of his life. In view of settled position of law by the Hon'ble Supreme Court, claimant is entitled for consideration of future prospectus while calculating loss of future income. The income is properly considered at Rs.15,000/-, since he was aged 42 years and 25% is required to be added towards future prospectus.



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Considering his age, the Tribunal has rightly taken multiplier at '14'.

16. Further, looking to the injury, surgery undergone, period of in-patient, the compensation awarded under other heads, except medical expenses, requires reassessment. Accordingly, this Court proceeds to reassess the compensation awarded by the Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	60,000-00	80,000-00 (60,000+20,000)
2.	Medical expenses	1,54,320-00	1,54,320-00
3.	Loss of income during laid up period	15,000-00	60,000-00 (15,000x4)
4.	Loss of future income	4,53,600	7,87,500-00 (15,000+25%x12x14x25%)
5.	Loss of amenities and happiness	20,000-00	50,000-00 (20,000+30,000)
6.	Attendant charges, conveyance, food and nourishment	20,000-00	40,000-00 (20,000+20,000)
7.	Future medical expenses	20,000-00	20,000-00
	TOTAL	7,42,920-00	11,91,820-00



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17. Accordingly, the claimant in MFA No.7155/2024 (MVC No.1768/2021) is entitled for enhanced compensation of Rs.4,48,900/- (11,91,820 - 7,42,920) rounded off to **Rs.4,49,000/-** with interest at the rate 6% interest per annum from the date of petition till realization.

18. For the foregoing reasons, this Court proceedings pass the following:

ORDER

- (i) The appeals are ***allowed in part.***
- (ii) The common Judgment and Award dated 22.06.2024, passed by the XXIII Addl. Small Causes Judge, MACT, Bengaluru (SCCH-25), in MVC Nos.1767/2021 and 1768/2021, is modified and the compensation is enhanced.
- (iii) The claimant in MFA No.7156/2024 (MVC No.1767/2021) is entitled for enhanced



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compensation of **Rs.3,58,000/-**, with interest at the rate 6% interest per annum from the date of petition till realization.

(iv) The claimant in MFA No.7155/2024 (MVC No.1768/2021) is entitled for enhanced compensation of **Rs.4,49,000/-** with interest at the rate 6% interest per annum from the date of petition till realization.

(v) Respondent No.2-Insurer shall deposit the entire enhanced compensation along with accrued interest stated supra within six weeks from the date of receipt of copy of this order before the concerned Tribunal, in both the appeals.

(vi) Upon deposit the entire amount shall be released in favor of the appellants/claimants on proper identification.



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(vii) The Registry to send back the trial Court
record to the concerned Tribunal, without
causing any delay.

(viii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 19
ct-vn