



CNR: KAHC010660522023

NC: 2026:KHC:43343  
MFA No. 8290 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 13<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

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

**MISCELLANEOUS FIRST APPEAL NO. 8290 OF 2023 (MV-I)**

**BETWEEN:**

SRI V V PRADEEP  
S/O V P SATHYANARAYANA  
AGED ABOUT 36 YEARS  
R/AT NO 13/2015, SUMITRA NAGAR  
SIDDAVATAM ROAD,  
BADAVEL CUDDAPAH  
ANDRA PRADESH - 515227.

APPELLANT

(BY SRI. THIPPESWAMY B C.,ADVOCATE)

**AND:**

1. SRI AVINASH SADAKALE  
S/O PRALHAD SADAKALE  
NO 500D 17TH F 4TH MAIN  
6TH BLOCK KML BENGALURU - 560056.
2. NEW INDIAN ASSURANCE CO LTD  
MOTOR THIRD PARTY CLAIMES HUB,  
NO 9/2 MAHALAKSHMI CHAMBERS  
M G ROAD BANGALORE  
REPRESENTED BY MANAGER.

RESPONDENTS

(BY SRI. ASHOK N PATIL.,ADVOCATE FOR R2;

V/O DTD 13.08.2026 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 07.08.2023 PASSED IN MVC  
NO. 2090/2019 ON THE FILE OF THE MEMBER, MACT, XIX  
ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU



CNR: KAHC010660522023

NC: 2026:KHC:43343  
MFA No. 8290 of 2023

SCCH-17, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC.,

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

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

### **ORAL JUDGMENT**

This appeal is filed by the injured/claimant challenging the judgment and award dated 07.08.2023 passed in MVC.No.2090/2019 by the learned XIX Additional Judge Court of Small Causes and MACT, Bengaluru (SCCH-17)<sup>1</sup>, wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of Rs.4,45,567/- together with interest at 6% pa. Being aggrieved, the present appeal is filed by the claimant seeking for enhancement of compensation.

2. For the sake of convenience, the parties herein are referred as per their rank before the Tribunal.

3. Heard the submissions of learned counsel Sri. Tippeswamy. B.C, for the appellant/claimant and learned counsel Sri. Ashok N Patil, for respondent No.2-insurer. Notice

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<sup>1</sup> Hereinafter referred to as 'Tribunal'



CNR: KAHC010660522023

NC: 2026:KHC:43343  
MFA No. 8290 of 2023

to respondent No.1 is dispensed with vide order dated 13.08.2026.

4. Learned counsel Sri. Tippeswamy. B.C, with all vehemence submits that the Tribunal has not awarded appropriate compensation, so far as medical bills are concerned, on the premise that out of Rs.3,04,647/-, sum of Rs.2,83,000/- has been reimbursed as per the medical insurance policy obtained by the claimant. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court in the case of ***New India Assurance Company limited V.s Dolly Satish Gandhi and Another<sup>2</sup>***, and stressed on paragraph Nos.9 to 11 and 15. Though he continued his avocation as a software engineer, but the fact remains that he has suffered some disability. Though the claimant cannot be entitled for loss of future income, but he is definitely entitled for the loss of disability which he has to carry throughout his life. In that view of the matter he is entitled for Rs.2,00,000/- towards loss of disability. He further submits that the compensation awarded by the Tribunal under all heads are

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<sup>2</sup> 2026 SCC Online SC 861



**CNR: KAHC010660522023**

inadequate and requires re-consideration, where comparing the injuries suffered, treatment taken and medical expenses incurred and sought to allow the appeal and enhance the compensation.

5. *Per contra*, learned counsel Sri. Ashok N Patil, for respondent No.2 submits that no ground raised in the appeal memorandum on non consideration of medical bills to the tune of Rs.2,83,000/- which was admittedly cleared under medical insurance policy, which is even admitted by PW1 in his cross-examination. In that view of the matter, the Tribunal though considered total medical bills incurred to the tune of Rs.3,04,647/-, after deducting Rs.2,83,000/- awarded appropriate compensation of Rs.21,647/- which is just and proper. He further submits that the appellant since continuing his job as a software engineer, is not entitled for any compensation under the head of loss of future earning capacity, which is properly considered by the Tribunal. He submits that the Tribunal after taking into consideration of the injury, treatment and medical expenses awarded appropriate



**CNR: KAHC010660522023**

**NC: 2026:KHC:43343  
MFA No. 8290 of 2023**

compensation, which does not call for any interference and sought to dismiss the appeal.

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

7. The claimant has suffered degloving injury of the right hand exposing ulnar digital artery, ulnar digital nerve, loss of hypothenar muscles and thenar muscles with skin loss over the dorsum of 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> finger, right forearm degloving injury with circumferential skin loss, exposing all the muscles and tendons of the right forearm. The claimant was treated with exploration of the right forearm and hand, multiple debridement of right forearm and hand with VAC dressing and excision of the necrotic tissues and later anterolateral thigh free flap harvested and inserted to the right forearm and radial artery repair and skin grafting was done. PW.2 doctor stated that the petitioner sustained physical disability of right hand at 63%, whole body disability with respect to right hand at 21% and total whole body disability at 35%. It is not in dispute that the claimant continued in his earlier job. In that view of the matter, there is no loss of future earning, but the fact remains



CNR: KAHC010660522023

that, in view of the injuries sustained supra the claimant is entitled for proper compensation. He was inpatient for 19 days and there is loss of salary to the extent of Rs.65,880/- the same is required to be awarded under laid up period.

8. So far as medical expenses is concerned, the Hon'ble Supreme Court in the case of ***New India Assurance Company Limited (supra)***, has clearly stated that medical policy is a policy that is purchased by a person accounting for the uncertainties of life and preparing a financial base for an unfortunate possible eventuality. In that view of the matter, the compensation awarded towards medical expenses and which has been reimbursed under the medical claim cannot be termed as double benefit. In view of declaration of law by the Hon'ble Supreme Court, this Court is of the opinion that contentions urged by learned counsel Sri. Tippeswamy. B.C, required to be sustained, whereas the contentions of learned counsel Sri. Ashok N Patil, stating that in the absence of ground in appeal, the claimant is permitted to raise contention of medical expense, cannot be countenanced. For other reasons stated



CNR: KAHC010660522023

NC: 2026:KHC:43343  
MFA No. 8290 of 2023

supra, the compensation awarded by the Tribunal requires re-consideration.

9. Accordingly, the total compensation under various heads is re-assessed as follows:

| Sl. No | Heads                                                      | Amount awarded by the Tribunal (Rs.) | Amount awarded by this Court (Rs.) |
|--------|------------------------------------------------------------|--------------------------------------|------------------------------------|
| 1.     | Loss of income during laid up period and attendant charges | 43,920.00                            | 65,880.00                          |
| 2.     | Conveyance charges                                         | 20,000.00                            | 25,000.00                          |
| 3.     | Pain, suffering and loss of amenities                      | 2,50,000.00                          | 4,50,000.00                        |
| 4.     | Food nourishment, attendant charges                        | 80,000.00                            | 1,00,000.00                        |
| 5      | Medical expenses                                           | 21,647.00                            | 3,04,647.00                        |
| 6      | Future medical expenses                                    | 30,000.00                            | 60,000.00                          |
| 7      | Loss of future income                                      | 00.00                                | 00.00                              |
|        | Total                                                      | 4,45,567,.00                         | 10,05,527.00                       |

Hence, the claimant is entitled for enhanced compensation of (Rs.10,05,527/- – Rs.4,46,567/-) =Rs.5,59,960/- rounded of to Rs.5,60,000/-.

10. In the result, the following:

**ORDER**

- The appeal is **allowed** in part.
- The judgment and award dated 07.08.2023 passed in MVC.No.2090/2019 by the learned XIX Additional



CNR: KAHC010660522023

NC: 2026:KHC:43343  
MFA No. 8290 of 2023

Judge Court of Small Causes and MACT, Bengaluru  
(SCCH-17), is modified.

iii. The claimant is entitled to a enhanced compensation  
sum of **Rs.5,60,000/-** along with interest at 6%  
p.a., from the date of petition till the date of  
realization.

iv. Respondent No.2/Insurance Company has already  
deposited the award amount before the Tribunal.  
Therefore, respondent No.2/Insurance Company is  
directed to deposit the enhanced compensation of  
**Rs.5,60,000/-** along with the interest at the rate of  
6% within one month from the date of this order.

v. On such deposit, petitioner is permitted to withdraw  
the entire amount along with interest accrued on the  
same, on proper identification.

No cost.

**Sd/-**  
**(T.M.NADAF)**  
**JUDGE**