



CNR: KAHC010761682025

NC: 2026:KHC:45853-DB
MFA No. 8729 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 8729 OF 2025

(MV-I)

BETWEEN:

ROHAN K S
S/O SHIVASHANKAR T,
AGED 28 YEARS,
R/AT NO.40, KANNOHALLI,
MANNE POST, THYAMAGONDALU HOBLI,
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT - 562132.

...APPELLANT

(BY SRI. T C SATHISHKUMAR., ADVOCATE)

AND:

1. SMT. SHYAMALA G
W/O CHANDRAHAS G,
R/AT NO.95, 13TH A CROSS,
NEAR GANGAMMA TEMPLE,
ASHOKNAGAR,
BANGALORE- 560050.
2. THE BRANCH MANAGER
ROYAL SUNDARAM GENERAL INSURANCE CO.LTD.

Digitally signed
by JUANITA
THE JESWINI
Location: HIGH
COURT OF
KARNATAKA



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REGIONAL OFFICE AT NO.30,
III FLOOR, JNR CITY CENTRE,
RAJARAM MOHAN ROY ROAD,
SAMPANGIRAMANAGAR,
BANGALORE-560 027.

...RESPONDENTS

(BY SRI. NAGAI AH., ADVOCATE FOR R1
SRI. MURALIDHAR NEGAVAR., ADVOCATE FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.05.07.2025 PASSED IN MVC
NO.893/2024 ON THE FILE OF THE XXIII ADDITIONAL SMALL
CAUSES JUDGE, MACT, BENGALURU SCCH-25, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R DEVDAS)

The present appeal is filed by the appellant-claimant
seeking enhancement of the compensation awarded by the
learned XXIII Additional Small Causes Judge & MACT,
Bengaluru, (SCCH-25) (for short 'Tribunal'), in
M.V.C.No.893/2024.



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2. This is a case of injury suffered by the appellant who was working as a Trainee Circuit Design Engineer at Aryavarta Circuits Private Limited. The accident occurred on 25.08.2023 at about 08.45 a.m., when the appellant was riding a motorcycle bearing registration No.KA-52Q-5887 from Nelamangala side towards Magadi Road, on NICE road near Anadrahalli Bridge, the appellant collided against a stationary Eicher Goods Vehicle bearing registration No.KA-01-AJ-4257. The appellant-claimant who suffered serious head injury was immediately shifted to Kengannar Hospital for treatment and thereafter he was shifted to True Life Specialty Hospital at Nagarbhavi and he was an inpatient from 25.08.2023 to 11.09.2023. It is contented that the since the appellant suffered serious head injury, he has lost hearing capacity and as a consequence of which, he had to resign from his job, after rejoining.

3. Learned counsel for the appellant submitted that though the treating Doctor was examined and he opined



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that the appellant herein has suffered total disability of 31% and the disability is permanent and to the whole body, nevertheless, the Tribunal has opined that the clinical examination and the opinion of the treating Doctor clearly shows that no surgery was conducted on the appellant. The Tribunal has accordingly taken the permanent disability of the appellant at 25% to the whole body. This according to the learned counsel for the appellant is on the lower side.

4. The learned counsel would vehemently contend that the decision of the Tribunal in fastening liability of contributory negligence on the part of the appellant at 30% is exorbitant, having regard to the fact that the offending vehicle was parked on a highway where there was no provision for parking and no indicators were put on the vehicle, indicating the parking of the vehicle on a place where there was no parking. Moreover, it was contented by the appellant that on the unfortunate day there was heavy fog and therefore the appellant could not see the



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stationed vehicle. It is contended that the appellant was travelling on the bike at a very moderate speed. Therefore, it is contended that fastening of 30% contributory negligence on the part of the appellant is exorbitant.

5. Moreover, it is submitted that the Tribunal has failed to take into consideration the fact that the appellant is without job, owing to the injuries suffered by the appellant in the course of the accident. In that view of the matter, it is submitted that the compensation awarded by the Tribunal has to be enhanced, taking into consideration that the appellant has lost the job after suffering injuries owing to the accident.

6. Per contra, learned counsel for the second respondent-Insurance Company submitted that insofar as the liability fastened on the appellant for contributory negligence is concerned, the Tribunal has rightly arrived at a conclusion that better part of the negligence is on the driver of the lorry and therefore, 70% of the liability has



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been fastened on the owner/insurer of the stationary vehicle and only 30% is fastened on the appellant-claimant.

7. Learned counsel further submitted that there is nothing on record to show that there was heavy fog on the particular day and therefore the appellant was not able to sight the stationary vehicle. Further, learned counsel for the second respondent-Insurance Company submitted that admittedly the appellant has only examined the Orthopedic Surgeon who treated the appellant and the Orthopedic Surgeon is not competent to say anything regarding the hearing impairedness of the appellant or the difficulty of the appellant in breathing.

8. In that view of the matter, learned counsel for the second respondent-Insurance Company submitted that the compensation awarded by the Tribunal is just and proper and there is no need for further enhancement of the compensation.



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9. We have heard the learned counsel for the appellant-claimant and the learned counsel for the second respondent-Insurance company and perused the original records.

10. The contention of the learned counsel for respondent No.2-Insurance company is that the appellant has only examined the Orthopedic Surgeon who is competent to speak about the fracture and injuries suffered by the appellant, but the said Doctor is not the expert to express anything regarding the hearing loss said to have been suffered by the appellant in the accident.

11. Similarly, in respect of the breathing difficulty faced by the appellant, the Orthopedic surgeon is not the expert. In that view of the matter, we accept the contention of the learned counsel for the respondent-Insurance company that since the appellant has not examined the specialist Doctor of the ENT department, we cannot consider a stray sentence or opinion given by the



Orthopedic surgeon insofar as the hearing disabilities of the appellant is concerned.

12. Insofar as the contention of the learned counsel for the appellant that the appellant is now jobless pursuant to the injuries suffered by the appellant, we find that the Tribunal has awarded a sum of ₹20,13,531/- towards 'Future earning on account of disability'. For that purpose, the Tribunal has taken into consideration the monthly income of the appellant at ₹39,481/- and has added 50% towards future prospects and has considered the same by applying the multiplier of '17' and 25% towards permanent disability. Having regard to the evidence placed on record, we are of the considered opinion that the Tribunal has rightly and justly arrived at the figure ₹20,13,531/- towards 'Loss of future Earning'.

13. On the other hand, we find that the compensation awarded by the Tribunal under the head 'Attendant, Food and Nourishment charges', the Tribunal has only awarded ₹9,000/- which is very meager and on



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the lower side. The same stands enhanced to ₹40,000/-. We also agree with the submission of the learned counsel for the appellant that the Tribunal has not awarded anything under the head 'Loss of Amenities'. Therefore, we award ₹50,000/- under the heading 'Loss of Amenities', having regard to the type of injury suffered by the appellant and the time spent by the appellant in the hospital and for follow-up treatment.

14. Further, the Tribunal has rightly awarded ₹2,92,203/- towards 'Medical Expenses', based on the evidence and the medical bills placed on record by the appellant. The award of compensation under the heads 'Loss of income during treatment', 'Pain and Suffering' are just and proper.

15. Accordingly, the compensation awarded by the learned Tribunal is enhanced in the following terms:

16. The claimants are therefore, entitled to the compensation under the following heads:



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SL. No.	Heads		Compensation Awarded by Tribunal		Compensation Awarded by this Court
1.	Medical expenses	:	Rs.	2,92,203/-	2,92,203/-
2.	Loss of income during treatment	:	Rs.	15,792/-	15,792/-
3.	Attendant, Food and Nourishment charges	:	Rs.	9,000/-	40,000/-
4.	Pain and Suffering	:	Rs.	50,000/-	50,000/-
5.	Loss of future earning on account of disability	:	Rs.	20,13,531/-	20,13,531/-
6.	Loss of Amenities	:	Rs.	-----	50,000/-
	TOTAL		Rs.	23,80,526/-	24,61,526/-
	Enhancement		Rs.	81,000/-	

17. Hence, the appellant-claimant is entitled to total compensation in a sum of **Rs.24,61,526/-** along with interest at 6% p.a. as awarded by the learned Tribunal from the date of petition till the date of realization.

18. Accordingly, this Court proceeds to pass the following:



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ORDER

- (i) The appeal is ***allowed in part***;
- (ii) The impugned judgment and award dated 05.07.2025 in M.V.C.No.893/2024 passed by the XXIII Additional Small Causes Judge & MACT, Bengaluru, (SCCH-25) is hereby modified, to the extent that the appellant-claimant is entitled to enhanced compensation of **Rs.81,000/-** along with interest at the rate of 6% per annum in addition to **Rs.23,80,526/-** as awarded by the learned Tribunal.
- (iii) The remaining portion of the Impugned Award of the learned Tribunal remains undisturbed.
- (iv) The respondent No.2/Insurance Company shall deposit the enhanced compensation with interest applicable thereon, as awarded by the learned Tribunal, within a period of eight weeks from the date of receipt of a copy of this judgment;
- (v) On such deposit of compensation, the same shall be released in favour of the appellant-claimant, on filing of an appropriate



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application by the appellant-claimant for withdrawal of the enhanced amount.

(vi) The Registry is directed to draw the modified Award accordingly.

(vii) The Registry is directed to transmit the Trial Court records along with a copy of this judgment to the concerned Tribunal.

(viii) No order as to costs.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

JT/-
CT: JL