HC-KAR

NC: 2026:KHC:60423
MFA No. 2493 of 2020

CNR: KAHC010112842020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 2493 OF 2020 (MV-I)

BETWEEN:

ANANDAPPA,
S/O HANUMANTHAPPA,
AGED ABOUT 25 YEARS,
OCC. AGRICULTURIST AND BAILDAR,
PRESENTLY NOT WORKING,
R/O KERGUDIHALLI VILLAGE,
HARAPANAHALLI TALUK,
NOW R/O OLD BISLERI VILLAGE,
DAVANGERE – 577 530.

...APPELLANT

(BY SRI. G. J. SUNKAPUR., ADVOCATE)

Digitally signed by SUSHMA LAKSHMI B S
Location: High Court of Karnataka

AND:

1. PRAKASHA,
S/O KRSIHNAPPA,
AGED ABOUT 27 YEARS,
OCC. AGRICULTURIST,
RIDER OF MOTOR CYCLE BEARING
REG. NO.KA-17-EM-6763,
R/O KEREGUDIHALLI VILLAGE ,
HARAPANAHALLI TALUK,
DAVANGERE – 583 131.

2. VEERESH C.,
S/O VENKAPPA,
AGED ABOUT 32 YEARS,
OCC. AGRICULTURIST,
RC OWNER OF MOTOR CYCLE
BEARING REG. NO.KA-17-EM-6763,
R/O KEREGUDIHALLI VILLAGE,
HARAPANAHALLI TALUK,
DAVANGERE – 583 131.

3. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LIMITED,
DIVISIONAL OFFICE NO.34/3, PB.237,
2ND FLOOR, MMK COMPLEX,
AKKAMAHADEVI ROAD,
DAVANGERE - 577 002.

…RESPONDENTS

(BY SMT. MANJULA N. TEJASWI., ADVOCATE FOR R3;
NOTICE TO R1 & R2 ARE D/W, V/O DATED 30.10.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 04.11.2019, PASSED IN MVC.NO.709/2018, ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C., VI M.A.C.T. AT DAVANGERE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CNR: KAHC010112842020

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

This appeal is filed by the appellant being aggrieved by the judgment and award dated 04.11.2019 passed in MVC.No.709/2018 on the file of II Additional Senior Civil Judge and VI MACT, Davanagere, seeking enhancement of compensation.

Brief facts of the case:

2. On 11.08.2017, at about 04.00 pm, in the evening, when the appellant was going on with respondent No.1 in a motorcycle as a pillion rider. The respondent No.1 drove the vehicle in a rash and negligent manner and caused accident. As a result, the appellant fell down and sustained injuries on his head and other parts of body. Immediately, he was taken to Government Hospital. Later, he was shifted to different hospitals and underwent surgeries. Thereafter, he filed a claim petition before the Tribunal. The Tribunal awarded a sum of Rs.3,55,680/- along with interest at the rate of 9% per annum. Being aggrieved by the same, the appellant is before this Court.

3. The contention of the learned counsel for the appellant is that the Tribunal has committed error in awarding lesser compensation in respect of all conventional heads and also considered the income, which is on lower side along with disability. Therefore, it has to be enhanced as per settled principle of law. By making such submissions, learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned counsel for the Insurance Company vehemently submitted that the Tribunal has justified the findings of the Tribunal and prays to dismiss the appeal.

5. Having heard the learned counsel for the respective parties and on perusal of the findings of the Tribunal, the Tribunal has taken income of Rs.8,000/-, while awarding the compensation under the head of loss of future income. The accident occurred on 11.08.2018 and the notional income is Rs.11,000/- per month. In addition to that, regarding disability is concerned, the Tribunal assessed disability at 7% without any justification. However, as per the evidence of the Doctor, the appellant has suffered fractures of maxilla, zygomatic arch,

mandible bone. The Doctor has assessed the disability to the extent of 30.50%. Even assuming that, 1/3rd is to be considered, which comes around 10%.

6. Consequently, the award of the Tribunal is modified and the claimant / appellant would be entitled to the compensation as under:-

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Pain and suffering	70,000/-	70,000/-
02	Loss of amenities	10,000/-	40,000/-
03	Nourishment charges	10,000/-	10,000/-
04	Medical expenses	1,36,712/-	1,36,712/-
05	Loss of income during laid up period	8,000/-	33,000/-
06	Loss of future earning (Rs.11,000/- X 12 X 18 X 10%)	1,20,960/-	2,37,600/-
	TOTAL	3,55,672/-	5,27,312/-

7. In the light of the observations made above, I proceed to pass the following:-

ORDER

i) The appeal is *allowed in part.*

ii) The judgment and award dated 04.11.2019 passed in MVC.No.709/2018 on the file of II Additional Senior Civil Judge and VI MACT, Davanagere, is modified, granting compensation of Rs.5,27,312/- as against Rs.3,55,672/- awarded by the Tribunal along with interest at the rate of 6% per annum from the date of this appeal till realization.

iii) The entire compensation amount shall be deposited by the Insurance Company within a period of six weeks from the date of receipt of the certified copy of this judgment.

iv) The Tribunal is directed to release the entire amount in favour of the claimant.

v) The Registry is directed to communicate the order to the Tribunal and send the records to the Trial Court forthwith.

Sd/-
(S RACHAIAH)
JUDGE

NR/-, List No.: 1 Sl No.: 1