HC-KAR

NC: 2026:KHC:22031
MFA No. 1318 of 2024
C/W MFA No. 3813 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1318 OF 2024 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 3813 OF 2024 (MV-I)

IN MFA No. 1318/2024

BETWEEN:

THE MANAGER
M/S. RELIANCE GENERAL
INSURANCE COMPANY LIMITED,
4TH FLOOR, CHINTAMANI AVENUE,
NEXT TO VIRVANI INDUSTRIAL ESTATE,
W EXPRESS HIGH WAY, GOREGAON EAST,
MUMBAI - 400 063

REPRESENTED BY THE BRANCH MANAGER,
M/S. RELIANCE GENERAL INSURANCE
COMPANY LIMITED, 1ST FLOOR,
KRUTHIKA ARCADE, MP AND SAS IX 0329331
NEAR N.R. CIRCLE, HOLENARASIPURA,
HASSAN - 573 201.

ALSO AT RELIANCE GENERAL
INSURANCE COMPANY LIMITED,
NO. 28, 5TH FLOOR, SOUTHERN PORTION,
EAST WING, CENTURY BUILDING,
M.G. ROAD, BENGALURU - 560 001
REPRESENTED BY MANAGER LEGAL.

...APPELLANT

(BY SRI. ASHOK N. PATIL, ADVOCATE)

Digitally signed by PADMASHREE SHEKHAR DESAI
Location: High Court of Karnataka

AND:

1. SRI. SHEK JABEER @ JABEER
   S/O ABDUL RAHIM,
   AGED ABOUT 36 YEARS,
   AGRICULTURIST AND WORKING
   IN A WELDING AND ENGINEERING SHOP,
   RESIDENT OF JODIMACHENAHALLI
   VILLAGE AND POST, LAKYA HOBLI,
   CHIKKAMAGALURU TALUK AND DISTRICT - 577 146.

2. SRI. YATISH KUMAR
   S/O DHANANJAYA,
   AGED ABOUT 25 YEARS,
   RESIDENT OF KURUBARAHALLI VILLAGE,
   MACHENAHALLI POST, LAKYA HOBLI,
   CHIKKAMAGALURU TALUK AND DISTRICT - 577 102.

3. SRI. HAYAD SHARIFF J
   S/O JAFAR SHARIFF,
   AGED ABOUT 32 YEARS,
   RESIDENT OF JODILINGADAHALLI VILLAGE,
   S. BIDARE POST, SAKHARAYAPATNA HOBLI,
   KADUR TALUK, CHIKKAMAGALURU
   DISTRICT - 577 146.

4. SRI. SAIYAD RAFIK
   S/O SAIYAD MAHABUB,
   AGED ABOUT 35 YEARS,
   RESIDENT OF MACHENAHALLI VILLAGE AND POST,
   LAKYA HOBLI, CHIKKAMAGALURU
   TALUK AND DISTRICT - 577 168.

5. SRI. PARAMESH
   S/O CHIKKAIAH,

AGED ABOUT 37 YEARS,
RESIDENT OF THOTADAMAKKI VILLAGE,
MALLANDURU POST, AVATHI HOBLI,
CHIKKAMAGALURU TALUK
AND DISTRICT - 577 101.

…RESPONDENTS

(BY SRI. GIRISH B. BALADARE, ADVOCATE FOR R1;
VIDE ORDER DATED 29.07.2024, NOTICE TO R2 TO R5 DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.08.09.2023 PASSED IN MVC NO.314/2022 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MACT, CHIKKMAGALURU, AWARDING COMPENSATION OF RS.8,54,500/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION OF ENTIRE AMOUNT.

IN MFA NO. 3813/2024

BETWEEN:

SRI. SHEK JABEER @ JABEER
S/O ABDUL RAHIM,
AGED ABOUT 36 YEARS,
R/O JODIMACHENAHALLI VILLAGE AND POST,
LAKYA HOBLI, CHIKKAMGALURU TALUK,
AND DISTRICT - 577 146.

...APPELLANT

(BY SRI. GIRISH B. BALADARE, ADVOCATE)

AND:

1. THE MANAGER
M/S. RELIANCE GENERAL
INSURANCE COMPANY LIMITED,
4TH FLOOR, CHINTAMANI AVENUE,
NEXT TO VIRVANI INDUSTRIAL ESTATE,

W EXPRESS HIGH WAY, GOREGAON EAST,
MUMBAI - 400 063

REPRESENTED BY THE BRANCH MANAGER,
M/S. RELIANCE GENERAL INSURANCE
COMPANY LIMITED, 1ST FLOOR,
KRUTHIKA ARCADE, MP AND SAS IX 0329331
NEAR N.R. CIRCLE, HOLENARASIPURA,
HASSAN - 573 201.

2. SRI. YATISH KUMAR
S/O DHANANJAYA,
AGED ABOUT 25 YEARS,
RESIDENT OF KURUBARAHALLI VILLAGE,
MACHENAHALLI POST, LAKYA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT - 577 102.

3. SRI. HAYAD SHARIFF J
S/O JAFAR SHARIFF,
AGED ABOUT 32 YEARS,
RESIDENT OF JODILINGADAHALLI VILLAGE,
S. BIDARE POST, SAKHARAYAPATNA HOBLI,
KADUR TALUK, CHIKKAMAGALURU
DISTRICT - 577 146.

4. SRI. SAIYAD RAFIK
S/O SAIYAD MAHABUB,
AGED ABOUT 35 YEARS,
RESIDENT OF MACHENAHALLI VILLAGE AND POST,
LAKYA HOBLI, CHIKKAMAGALURU
TALUK AND DISTRICT - 577 168.

5. SRI. PARAMESH
S/O CHIKKAIAH,
AGED ABOUT 37 YEARS,

RESIDENT OF THOTADAMAKKI VILLAGE, MALLANDURU POST, AVATHI HOBLI, CHIKKAMAGALURU TALUK AND DISTRICT - 577 101.

...RESPONDENTS

(BY SRI. ASHOK N PATIL, ADVOCATE FOR R1;
VIDE ORDER DATED 22.08.2024, NOTICE TO R2 TO R5 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 08.09.2023 PASSED IN MVC NO.314/2022 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND MACT, CHIKKAMAGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

IN MFA NO.1318/2024

This appeal is filed by the insurance company under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 08.09.2023 passed in MVC No.314/2022 on the file of the I Additional Senior Civil Judge and JMFC, MACT, Chikkamagaluru.

2. Heard the arguments of learned counsel for the appellant and learned counsel for the respondents. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner/injured met with an accident on 27.03.2022 and filed claim petition claiming compensation of Rs.20,00,000/-. The Tribunal considering the entire oral and documentary evidence on record granted an amount of Rs.8,54,400/- with interest at the rate of 6% per annum from the date of petition till the date of realization. Being aggrieved by the said order, the Insurance Company preferred MFA No.1318/2024 and mainly contended that the injured rider was not wearing a headgear at the time of the accident. As a result, he sustained a deep incised wound and had to undergo surgery. The amount awarded towards pain and suffering is on the higher side. The injured was hospitalized for a period of five days. But the Tribunal has granted conveyance and attendant charges on the higher side and the medical expenses awarded is also excessive. The amounts granted under other heads by the Tribunal are on the higher side. The disability assessed at

13% is also excessive. Therefore, requested for modification of the order.

IN MFA NO.3813/2024

4. This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 08.09.2023 passed in MVC No.314/2022 on the file of the I Additional Senior Civil Judge and JMFC, MACT, Chikkamagaluru.

5. The petitioner/injured claimant met with an accident on 27.03.2022 and filed claim petition claiming compensation of Rs.20,00,000/-. The Tribunal considering the entire oral and documentary evidence on record granted an amount of Rs.8,54,400/- with interest at the rate of 6% per annum from the date of petition till the date of realization. Being aggrieved by the said order, the claimant preferred MFA No.3813/2024 and mainly contended that the petitioner/injured sustained grievous injuries and was treated as an inpatient for five days. Due to the injuries sustained in the accident, he could not attend any work at least for a period of three months. PW.2 assessed the disability at 20%. But the Tribunal has taken it at 13%, which is on the lower side. The petitioner was

doing agricultural work and also working in an engineering shop, earning Rs.30,000/- per month, but the Tribunal has erred in taking his income on the lower side. The amounts awarded under the other heads are meagre. Therefore, requested for enhancement of the compensation.

6. Though it is stated that the petitioner was working and earning Rs.30,000/- per month, he has not filed any income proof. As he met with an accident in the year 2022, this Court finds it reasonable to take the notional income of Rs.15,500/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 34 years and the relevant multiplier is '16'. The petitioner produced Ex.P.5-wound certificate and Ex.P.50- discharge summary. He also examined the doctor as PW.2 and he assessed the disability and issued the disability certificate under Ex.P.69. The petitioner sustained a deep cut incised wound in the upper occipital region and underwent surgery, namely right temporoparietal craniotomy with evacuation of EDF+SDH and cranioplasty. He is presently suffering from mild weakness. PW.2 assessed the total physical disability at 40% (20% due to weakness and 20% due to ataxia). The Tribunal has rightly

taken 1/3rd of the 40% disability i.e., 13%. This Court finds no reason to interfere with the same. Accordingly, the loss of future earning capacity comes to **Rs.3,86,880/-** (15,500 × 12 × 16 × 13%). The Tribunal has observed that the petitioner incurred Rs.2,41,986/- towards medical expenses and has awarded a total sum of **Rs.3,00,000/-** under the head of medical and future medical expenses, which is confirmed. The petitioner was hospitalized for a period of five days. Considering the nature of injuries, period of hospitalization and other relevant factors, this Court finds it reasonable to award **Rs.75,000/-** towards pain and suffering and **Rs.50,000/-** towards loss of amenities. The Tribunal has also awarded **Rs.50,000**/- towards conveyance, attendant charges, and special diet and it is confirmed. The petitioner might not have attended any other work at least for a period of four months. Therefore, a sum of **Rs.62,000/-** (15,500 × 4) is awarded towards loss of income during the laid-up period.

7. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	75,000/-
2	Towards medical and future expenses	3,00,000/-
3	Towards loss of amenities	50,000/-
4	Towards conveyance, attendant charges and special diet	50,000/-
5	Towards loss of future earning capacity	3,86,880/-
6	Towards loss of income during the laid up period	62,000/-
	Total	**9,23,880/-**

8. Hence, the appellant-claimant is entitled for a total compensation of Rs.9,23,880/- along with interest at the rate of 6% p.a.

9. In the result, the following order is passed:

ORDER

i. MFA No.1318/2024 is ***dismissed.***

ii. MFA No.3813/2024 is ***allowed in part.***

iii. Respondent No.1/Insurance Company has already deposited 50% of the compensation.

Therefore, respondent No.1/Insurance Company is directed to deposit balance compensation along with the interest at the rate of 6% within one month from the date of this order.

iv. On such deposit, petitioner/claimant is permitted to withdraw the entire amount along with interest accrued on the same.

v. The amount in deposit is transferred to MACT.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 0