HC-KAR

NC: 2026:KHC:59400
MFA No. 1080 of 2021

CNR: KAHC010401762020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 1080 OF 2021 (ECA)

BETWEEN:

R. K. MARUTHI,
S/O KANTHARAJU,
AGED ABOUT 36 YEARS,
R/AT REVANASIDDAPPA COMPOUND,
UPPARAHALLI MAIN ROAD,
UPPARAHALLI, TUMKUR TOWN,
TUMKUR – 572 103.

...APPELLANT

(BY SRI. CHANDRASHEKAR P. PATIL., ADVOCATE)

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

AND:

1. G. M. SURESH BABU,
S/O G. V. MAHADEVAIAH,
AGED ABOUT 56 YEARS,
R/AT KUVEMPUNAGAR,
NEAR TUDA OFFICE,

TUMKUR TOWN,
TUMKUR – 572 103.

2. THE MANAGER,
RELIANCE GENERAL
INSURANCE CO. LTD.,
BRANCH OFFICE, EAST WING,
5TH FLOOR, NO.28,
CENTENARY BUILDING,
BANGALORE.

…RESPONDENTS

(BY SMT. SUNITHA H. N., ADVOCATE FOR R1;
SRI. LAKSHMINARAYAN C., ADVOCATE FOR R2)

THIS MFA IS FILED U/S 30(1) OF EMPLOYEES COMPENSATION ACT, 1923 AGAINST THE JUDGMENT AND AWARD DATED 20.02.2017, PASSED IN E.C.A NO.109/2014, ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND M.A.C.T.-X AT TUMAKURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CNR: KAHC010401762020

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

The appellant is before this Court seeking enhancement of compensation being aggrieved by the judgment and award dated 20.02.2017 passed in ECA.No.109/2014 on the file of the Principal Senior Civil Judge and MACT-X, Tumakuru.

2. The case of the appellant is that the appellant was working as driver under respondent No.1. He was proceeding in a bus on hire basis on 13.03.2012 from N.Hosahalli to go to Karehalli. During the said journey, he has lost his control over the bus. Consequently, the bus fell down on the left side of the road. As a result, the accident had occurred. Due to the said accident, he has sustained bleeding injuries. Hence, a claim petition was filed by him before the Tribunal. The Tribunal awarded Rs.3,15,931/-. Being aggrieved by the same, the appellant is before this Court.

3. The submission of the learned counsel for the appellant is that the judgment and award passed by the Tribunal is contrary to the law and evidence on record. The

appellant was working as a driver and suffering from the disability at 43% to the limbs and the total disability was assessed at the rate of 14% to the whole body. Since the appellant is not able to drive the vehicle, the functional disability of 100% to be considered. In addition to the said disability, the income of Rs.10,000/- per month to be considered since he was working as a driver and the owner of the bus has admitted that he was working with him as a driver. Therefore, the income of Rs.10,000/- ought to have been considered by the Tribunal. Having said thus, the learned counsel for the appellant prays to allow the appeal.

4. *Per contra*, learned counsel for respondent No.1-owner of the bus vehemently justified the judgment and award passed by the Tribunal and prays to dismiss the appeal. Learned counsel for respondent No.2 remained absent.

5. Heard the learned counsel for the appellant and respondent No.1 and perused the findings of the Tribunal. Having considered the nature of injury caused to the appellant, the functional disability at 100% ought to have been considered

by the Tribunal. Hence, only to the extent of functional disability, the judgment and award to be modified under the head of loss of future income is as follows:

Rs.4,500/- X 203.85 X 100% = Rs.9,17,325/-

6. 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 judgment and award dated 20.02.2017 passed in ECA.No.109/2014 on the file of the Principal Senior Civil Judge and MACT-X, Tumakuru, is modified granting compensation of Rs.10,03,925/- (Rupees Ten Lakhs Three Thousand Nine Hundred and Twenty Five Only) with interest at the rate of 12% per annum from the date of this appeal till realization, as against Rs.3,15,931/- awarded by the Tribunal.

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.: 49