CNR: KAHC010425542019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 7429 OF 2019 (MV-I)

BETWEEN:

D.P.PRADEEP
S/O PRAKASH,
AGED ABOUT 29 YEARS,
BCA STUDENT AND AGRICULTURIST,
R/O DORANAHALU VILLAGE,
KASABA HOBLI, TARIKERE TQ,
CHIKKAMAGALURU DISTRICT.

...APPELLANT

(BY SRI. MANJUNATH.N.D., ADVOCATE)

AND:

1. RAJAPPA
   AGED ABOUT 44 YEARS,
   S/O GOVINDAPPA,
   R/O JODITHIMMAPURA VILLAGE,
   BIRUR POST, BIRUR HOBLI,
   KADUR TQ.

2. BASAPPA
   S/O RANGAPPA,
   AGED ABOUT 40 YEARS,
   R/O JODITHIMMAPURA VILLAGE,
   BIRUR POST, BIRUR HOBLI,
   KADUR TQ.

3. IFFCO-TOKIYO
   GENERAL INSURANCE CO LTD.,
   BRANCH OFFICE, CHIKKAMAGALURU.

...RESPONDENTS

(BY SRI. D.VIJAYAKUMAR., ADVOCATE FOR R3;

Digitally signed by JAI JYOTHI J
Location: HIGH COURT OF KARNATAKA

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V/O/DTD:06.04.2022-NOTICE TO R1 & R2-DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02/11/2018, PASSED IN MVC NO.215/2014, ON THE FILE OF THE SENIOR CIVIL JUDGE & MMACT, KADUR, CHIKKAMAGALUR DISTRICT, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL JUDGMENT

1. The present appeal has been filed by the injured appellant/claimant seeking to challenge the Judgment and Award dated 02.11.2018, passed in MVC NO.215/2014, on the file of the Senior Civil Judge & MACT, Kadur, Chikkamagalur District (hereinafter referred to as the 'Impugned Award'). By the Impugned Award a sum of Rs.87,632/-, along with interest at 7% per annum from the date of petition till the date of realization.

2. Notice to respondent no.1 was dispensed with by this Court by its order dated 06.04.2022.

3. The brief admitted facts in this case are that the appellant/claimant was proceeding in the bajaj pulser motor cycle bearing registration No.KA-18/S-3633 from Kadur to Birur on the left of the road. At that time, when the bike was near Shanthi Recreation Club on NH-206, which situated between Kadur-Birur road, an autorickshaw bearing registration No.KA-18/A-7465 driven by the first respondent came in rash and negligent manner in the opposite side and hit the appellant/claimant. Due to which the appellant/claimant fell down and sustained grievous injuries. Thereafter he was shifted to Kadur Government Hospital for first aid treatment and thereafter shifted to Nanjappa Hospital, Shivamogga.

3.1 A claim petition was filed under Section 166 of the Motor Vehicles Act, [hereinafter referred to as the 'MV Act']. The claim petition was contested by the respondent/insurance company.

4. These facts are not in dispute, and neither is the issue of negligence. The only challenge in the present appeal is on the quantum of compensation amended. The compensation which has been awarded by the learned Tribunal is under the following heads:

Sl.No.	Particulars	Amount (Rs.)
01.	Medical Expenses	5,132/-
02.	Loss of Income during laid up period	2,500/-
03.	Conveyance Charges	10,000/-
04.	Pain and Sufferings	50,000/-
05.	Food, Nourishment, etc	20,000/-
	Total Amount	**87,632/-**

5. Learned counsel for the appellant submits that the appellant was hospitalized for 25 days and that the amounts awarded under the loss of income during laid up period and under non-pecuniary heads are limited.

6. Learned counsel for the respondent/Insurance Company on the other hand submits that the amounts have been awarded in accordance with law.

7. This Court has examined the record available before it. It is admitted that the claimant was inpatient for 25 days. It is not disputed that the hospitalization which took place for the petitioner was in 2 hospitals Victoria Hospital as well as Morgan Hospital. Although the learned Tribunal has awarded amounts for medical expenses, the loss of income during laid up period has not been awarded in accordance with law. Since the accident took place in the year 2013 and then hospitalized for more than three weeks. This Court deems it apposite to enhance the award for under **loss of income during laid up period as well as the Conveyance Charges**. In addition, given the period of hospitalization, the amounts for **pain and suffering and food nourishment and attendant charges** are also slightly enhanced.

8. Accordingly, in view of the aforesaid discussions, the amounts to be awarded to the appellant/claimant are recalculated in the following manner:

Sl.No.	Particulars	Amount (Rs.)
1.	Medical Expenses	5,132/-
2.	Loss of Income during laid up period	25,000/-
3.	Conveyance Charges	20,000/-
4.	Pain and Sufferings	55,000/-
5.	Food, Nourishment, etc	25,000/-
6.	Attendant Charges	5,000/-
	Total Amount	**1,35,132/-**

9. Hence, the appellant/claimant is entitled to a total compensation of **Rs.1,35,132/-** along with interest at 7% per annum, from the date of petition till its realization.

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

ORDER

(i) The appeal is ***allowed in part;***

(ii) The Judgment and Award dated 02.11.2018 on the file of the Senior Civil Judge & MACT, Kadur, Chikkamagalur District, is modified, enhancing the compensation to **Rs.1,35,132/-** along with interest at 7% per annum.

(iii) The respondent No.3/Insurance company is directed to pay the enhanced compensation with interest as awarded by the Tribunal within eight weeks from today.

(iv) On such deposit of compensation, the same shall be released in favour of the appellant/claimant, on filing of an appropriate application for withdrawal of the enhanced amount.

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

(vi) The Registry is directed transmit a copy of this judgment to the concerned Tribunal, along with its records.

(vii) No order as to costs.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 1 Sl No.: 36