HC-KAR
CNR: KAHC010523482025

NC: 2026:KHC:61570
MFA No. 5915 of 2025
C/W MFA No. 5510 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 5915 OF 2025

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5510 OF 2025

(MV-I)

IN MFA No. 5915/2025

BETWEEN:

KHILARI INFRASTRUCRTURE PVT. LTD.,
M3, 5TH CROSS,
PEENYA INDUSTRIAL AREA
PEENYA 1ST STAGE
BANGALORE – 560 058.
REP. BY ITS CHIEF EXECUTIVE OFFICER.

…APPELLANT

(BY SMT. SUSHMITHA G, ADVOCATE)

AND:

1. SRI PRAKASH
S/O NAGARAJAIAH
RESIDING AT No.119,
NOW AGED ABOUT 51 YEARS,
JALA HOBLI, THIMMASANDRA
TARAHUNASE
BANGALORE – 562 157.

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JUDGE, HIGH COURT OF KARNATAKA

2. FUTURE GENERAL INSURANCE CO. LTD.,
MVC HUB, No.31,
3RD & 4TH FLOOR,
SHRAVANEE KRISHNA MANSION
100 FT. ROAD, 2ND BLOCK, JAYANAGAR
BANGALORE – 560 011.
REP: BY ITS MANAGER.

…RESPONDENTS

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE FOR R1
SRI RAVI S SAMPRATHI, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:28.02.2025 PASSED IN MVC No.1435/2023 ON THE FILE OF THE VII ADDITIONAL SMALL CAUSE JUDGE AND ACJM, MEMBER, MACT-3, BENGALURU, AWARDING COMPENSATION OF Rs.37,72,511/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

IN MFA No. 5510/2025

BETWEEN:

SRI PRAKASH
S/O NAGARAJAIAH
AGED ABOUT 52 YEARS
R/AT No.119, JALA HOBLI,
THIMMASANDRA, TARAHUNASE,
BENGALURU -562 157.

...APPELLANT

(BY SRI NAIK KRISHNA VENKATRAMAN, ADVOCATE)

AND:

1. THE MANAGER
FUTURE GENERAL INSURANCE CO., LTD.,

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MVC HUB, No.31
3RD & 4TH FLOOR,
SHRAVANEE KRISHNA MANSION
100 FT. ROAD, 2ND BLOCK, JAYANAGAR
BANGALORE – 560 011.

(POLICY ISSUED BY ITS OFFICER IN
POLICY No. VA329511
DATE OF VALIDITY FROM 19/06/2022 TO 18/06/2023)

2. KHILARI INFRASTRUCTURE PVT. LTD.,
M3, 5TH CROSS,
PEENYA INDUSTRIAL AREA
PEENYA 1ST STAGE
BENGALURU- 560 058.

...RESPONDENTS

(BY SRI. RAVI SHANKAR S SAMPRATHI, ADVOCATE FOR R1
SMT. SUSHMITHA G, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:28.02.2025 PASSED IN MVC No.1435/2023 ON THE FILE OF THE VII ADDITIONAL SCJ AND ACJM, MEMBER, MACT-3, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

MFA No.5915/2025 is filed by the owner of the insured vehicle challenging the liability and quantum of

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compensation and MFA No.5510/2025 is filed by the claimant seeking enhancement of the compensation awarded in the judgment and award dated 28.02.2025 passed in MVC No.1435 of 2023 by VII Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-_).

2. Even though MFA No.5510/2025 is listed today for 'admission', it is taken up for disposal with the consent of learned counsels appearing for the parties.

3. The claimant made a claim petition praying to award compensation for the injuries sustained by him in a road and traffic accident occurred on 29.12.2022 contending that the accident occurred due to the rash and negligent driving of the driver of a crane bearing registration No.KA-51/ML-9176. The Tribunal after recording evidence, appreciating the evidence on record has assessed the compensation and awarded compensation under various heads as under:

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Sl. No.	Head of Compensation	Amount in Rs.
1.	Loss of future income	9,67,200-00
2.	Pain and Sufferings	1,00,000-00
3.	Attendant charges, extra nutritious food and conveyance charges	1,00,000-00
4.	Medical Expenses	19,12,311-00
5.	Loss of future amenities and unhappiness	1,00,000-00
6.	Loss of income during laid up period	93,000-00
7.	Cost of artificial limb and its maintenance	5,00,000-00
	Total	37,72,511-00

4. The Tribunal has also awarded interest at the rate of 6% per annum from the date of petition till realization. The Tribunal held that the driver of the crane was not holding driving license and fastened the liability on the appellant -owner of the crane. The appellant -owner of the crane challenged the liability and also quantum of compensation awarded. The claimant has also filed appeal seeking enhancement of the compensation awarded by the Tribunal.

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5. Heard learned counsel for the appellant - owner, learned counsel for the claimant and learned counsel for respondent No.2 -insurer.

6. Learned counsel for the appellant -owner would contend that the Tribunal has held that the owner of the crane was not having driving license and it is based only on the charge sheet. The compensation awarded by the Tribunal towards pain and suffering, loss of amenities, loss of income during laid up period and towards cost of artificial and its maintenance are on the higher side. The claimant has been admitted in hospital for 34 days and considering the same, attendant and conveyance charges awarded is also on higher side. With this she prayed to allow the appeal filed by the owner.

7. Learned counsel for the claimant would contend that charge sheet filed against the driver of the crane clearly indicates that he was not holding driving license and charged for offence punishable under Section 181 r/w

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Section 03 of the Motor Vehicles Act. The Investigating Officer has also been examined as R.W-2. The owner has not produced any driving license of the driver of the crane in order to dispute the contents of the charge sheet. He further submits that there is amputation of right leg above knee. Considering the same, the disability is to be taken at 100% as against 40% as taken by the Tribunal since the occupation of the claimant is agriculture and milk vending. He placing reliance on the decision of the Division Bench of this Court in the case of ***Showkath Ali Khan Vs the Managing Director*** rendered in MFA No.3905/2025 would contend that the cost of artificial limb is to be awarded in a sum of Rs.10,00,000/-. He places reliance on the decision of Hon'ble Apex Court in the case of ***M Paramesh Vs VRL Logistics Limited and another***[1] and decision of Division Bench in the case of ***Doddaiah Vs ICICI Lombard Motor Insurance Co.Ltd*** rendered in MFA No.291/2025 would contend that the disability is to be

[1] In 2026 INSC 655

taken at 100%. He further submits that as the disability is more than 20%, future prospects are to be added at 10%. With these, he prayed to allow the appeal filed by the claimant.

8. Learned counsel for respondent No.2 -Insurer would contend that the accident occurred post amendment to the Motor Vehicles Act and therefore, no order can be passed for pay and recovery. The evidence of Investigating Officer and charge sheet clearly indicates that the driver of the crane was not holding driving license. R.W.3 –power of attorney of the owner of the vehicle has not produced any driving license to dispute the contents of charge sheet. Considering the same, the Tribunal has rightly fastened the liability on the appellant - owner of the crane. With these, he prays to dismiss the appeal filed by the owner.

9. Having heard learned counsels, the Court has perused the Judgment, Award and Trial Court records.

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10. The accident occurred on 29.12.2022 and as on the date of accident the claimant was aged 50 years. Considering the said year of the accident, the Tribunal has rightly taken notional income at Rs.15,500/- per month and rightly applied multiplier '13'. The claimant has sustained amputation of right leg above knee and considering the same, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.1,00,000/- and loss of amenities in a sum of Rs.1,00,000/- is just and proper.

11. The claimant was admitted in the hospital for 34 days and therefore, he is entitled to a sum of Rs.34,000/- (Rs.1,000/- x 34 days) towards attendant, conveyance charges, food and nourishment etc., as against Rs.1,00,000/- as awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.19,12,311/- based on the documents produced. In view of the amputation of the right leg above knee, the Tribunal has awarded loss of income during laid up period for 06

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months in a sum of Rs.93,000/- (Rs.15,500/- x 06 months) is just and proper.

12. P.W.3 -doctor who has examined the claimant assessed his disability has stated that the claimant has sustained 85% disability to the right lower limb and 42.5% to the whole body. The Tribunal has taken disability at 40%. The occupation of the claimant is agriculture and milk vending. The Hon'ble Apex Court in the case of ***M Pramesh*** (supra) has taken functional disability at 100% for amputation of leg as claimant was Meson. Co-ordinate Bench of this Court in ***Doddaiah*** (supra) has taken the functional disability at 100% for amputation of leg wherein the claimant was coolie. In the case on hand, the occupation of the claimant is agriculture and milk vending. Considering the said occupation, the claimant can continue his occupation of milk vendor by using artificial limb, and therefore, functional disability is to be taken at 80%. Since the disability taken is above 20%, future prospects are to

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be added at 10%. In view of the above, the loss of future income due to disability is calculated as under:

Rs.15,500/- x12 x 13 x 80% + 10% = Rs.21,27,840/-

13. The Tribunal has awarded a sum of Rs.5,00,000/- towards artificial limb and its maintenance. The claimant is aged 50 years, he requires at least 04 artificial limbs taking into consideration lifespan as 70 years. Considering the cost of the artificial limb at Rs.2,00,000/- and its maintenance, is entitled to a sum of Rs.8,00,000/- towards artificial limb and its maintenance. Therefore, the claimant is entitled to a sum of Rs.8,00,000/- as against Rs.5,00,000/- as awarded by the Tribunal towards artificial limb and its maintenance.

14. In view of the above, the claimant is entitled to total compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Towards Pain and Suffering	1,00,000/-
02.	Towards Medical Expenses	19,12,311/-

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03.	Towards attendant, conveyance charges, food and nourishment etc.,	34,000/-
04.	Towards loss of amenities	1,00,000/-
05.	Towards loss of future income due to disability	21,27,840/-
06.	Toward loss of income during laid up period	93,000/-
07.	Towards artificial limb and its maintenance	8,00,000/-
	Total	**51,67,151/-**

The claimant is entitled total compensation of Rs.51,67,151/- as against Rs.37,72,511/- as awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.13,94,640/- with interest at the rate of 6% per annum from the date of petition till realization.

15. The driver of crane as on the date of accident is stated to be not holding driving license. The police have filed a charge sheet against the driver of the crane for offences punishable under Section 3 read with Section 181 of Motor Vehicles Act. R.W.2 -Investigating Officer has also given his evidence with regard to the said investigation

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and filing of charge sheet against the driver of the crane for offences punishable under Section 3 read with Section 181 of Motor Vehicles Act. In order to contradict the said charge sheet and evidence of R.W.2 -Investigating Officer, the owner of the crane has not placed on record the driving license of driver of the crane. Considering the fact that the accident occurred post amendment to Motor Vehicles Act, the liability is to be fastened on the owner of the vehicle. The Tribunal has rightly fastened the liability on the owner of the crane to pay the award amount with interest. Therefore, the owner of the vehicle i.e., appellant in MFA No.5915/2025 is liable to pay the compensation awarded by the Tribunal and enhanced compensation awarded by this Court with interest.

16. In view of the above, the following

ORDER

i) Both appeals are ***allowed in part.***

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ii) The claimant is entitled to enhanced compensation of Rs.13,94,640/- with interest at the rate of 6% per annum from the date of petition till realization.

iii) The owner of crane (Respondent No.2 before the Tribunal) shall deposit the enhanced compensation with interest before the Tribunal within a period of 06 weeks from this day.

iv) The claimant is not entitled to interest on enhanced compensation towards artificial limb and its maintenance awarded by this Court.

v) Enhanced compensation shall be kept in fixed deposit in the name of claimant for a period of 15 years. He is entitled to release of Rs.5,00,000/- every 5 years.

vi) The amount in deposit is ordered to be transmitted to the Tribunal.

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(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
List No.: 2 Sl No.: 2
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