NC: 2026:KHC:23044
MFA No. 5805 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5805 OF 2025 (MV-I)

BETWEEN:

KUM SOUNDARYA M
D/O MANJUNATHA G
AGED ABOUT 21 YEARS,
RESIDING AT BYDARAHALLI COLONY,
BYADARAHALLI,
THYAMAGONDLU HOBLI,
NELAMANGALA TALUK
BANGALURURURAL DISTRACT.

...APPELLANT

(BY SRI. THIPPESWAMY B.C., ADVOCATE)

AND:

1. SRI N RAVI KUMAR
   S/O VENKATARAMANAPPA,
   R/AT NO.5, 1ST CROSS,
   8TH MAIN, 3RD PHASE,
   DULAGAMMA LAYOUT,
   PEENY INDUSTRIAL AREA,
   BENGALURU-560 058.

2. THE MANAGER,
   ICICI LOMBARD MOTOR INSURANCE CO, LTD.,
   9TH FLOOR, THE ESTATE BUILDING,
   DICKSON ROAD,
   BENGALURU-560 001.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2,

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

V/O DATED 15.09.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.03.2025 PASSED IN MVC NO. 5284/2023 ON THE FILE OF THE III ADDITIONAL JUDGE AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-18), 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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Tribunal had passed common award in MVC Nos.5283/2023 and 5284/2023. This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated in MVC No.5284/2023 on the file of the III Additional Judge and Member, MACT, Court Of Small Causes, Bengaluru.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. Injured claimant met with an accident on 11.06.2023 and filed claim petition claiming compensation of Rs.20,50,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.11,42,142/- along with interest at the rate of 6% p.a., from the date of petition till realisation.

4. Aggrieved by the said award, this appeal is preferred in which it is mainly contended that the petitioner sustained grievous injuries and she was admitted in a hospital as a inpatient for 30 days. She also examined two doctors as PW4 and PW5. PW4 assessed left arm disability as 64% and whole body disability as 33% and PW5 assessed the neurological disability as 20%. But the Tribunal has taken only 25% which is on the lower side. The Tribunal granted meager amounts under other heads and thus requested for enhancement of the compensations.

5. It is further submitted that though the petitioner stated that she was doing part time job and earning

Rs.20,000/- per month, she has not filed any income proof. As she met with an accident in the year 2023, this court finds it reasonable to take the notional income as Rs.16000/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. She was aged 19 years and the relevant multiplier is '18'. Ex.P15 is the wound certificate and Ex.P17 to Ex.P19 are the discharge summaries. Petitioner also examined doctor as PW4 and PW5 on his behalf. PW4 is an Orthopedic Surgeon. He has stated that the petitioner sustained following injuries. 1) 6 cm X 3 cm contused abrasion over occipital, 2) 2 cm X 1 cm lacerated wound over right leg and was treated conservatively and he assessed the total permanent disability of the left hand as 45%, disability of the left arm as 64% and whole body disability as 33%. He further stated that the petitioner requires regular physiotherapy for left upper and lower limbs and another surgery for removal of the implants and estimated the cost of the surgery as Rs.1,60,000/-. She also examined

neurosurgeon as PW5 and he stated that petitioner sustained head injury and she was treated conservatively and assessed disability as 20% to the whole body and the disability of the orthopedic surgeon is 75%. Orthopedic disability and Neurological disorder is also there hence, this court finds that the whole body disability associated with the orthopedic surgeon is 30%, but the neurosurgeon is 20% and the total disability comes to 53%. However, learned counsel for the respondents stated that the tribunal rightly considered 25% and it is to be confirmed. However, considering the medical evidence on record, this court finds that the disability is to be considered as 40% which is just and reasonable. As the disability is more than 20% the petitioner is entitled for future prospect, as per the citation in ***New India Assurance Company Limited Vs. Abdul, son of Mehaboob Tahasildar and Others*** (M.F.A. No.103807/2016 c/w. M.F.A. No.103835/2016 decided on 27.05.2022). As the petitioner was aged 19 years, she is entitled for 40%

towards future prospect. Therefore, loss of future earning capacity is calculated as Rs.16,000 + 40% X 12 X 18 X 40% = Rs.**19,35,360/-.**

6. Further, the Tribunal granted **Rs.30,142/-** towards medical expenses. She was admitted in the hospital for a period of 18 days. Considering the nature of injuries, period of hospitalization this court finds it reasonable to grant an amount of **Rs.1,00,000/-** towards pain and suffering, **Rs.60,000/-** towards amenities and **Rs.60,000/-** towards transportation, extra nourishment and attendant charges. The petitioner might not have attended any other work for a period of 5 months. Therefore, Rs.16,000 x 5 = **Rs.80,000/-** is to be granted under the loss of income during laid up period. Tribunal granted **Rs.1,00,000/-** towards future medical expenses and it is confirmed.

7. Thus in all, components awarded by this court are as below,

Sl.Nos.	Particulars	Amount in Rs.
1	Loss of future income	19,35,360
2	Pain and suffering	1,00,000
3	Loss of amenities	60,000
4	Transportation, extra nourishment and attendant charges.	60,000
5	Loss of income during laid down period	80,000
6	Future Medical expenses	1,00,000
7	Medical bills	30,142
	Total	**23,65,502**

Hence, the compensation granted by tribunal is enhanced from Rs.11,42,142/- to **Rs.23,65,502**/- along with interest at the rate of 6% p.a.

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

ORDER

i. Appeal is ***allowed*** in part.

ii. The judgment and award dated MVC No.5284/2023 on the file of the court of on

the file of the III Additional Judge and Member, MACT, Court Of Small Causes, Bengaluru, is modified.

iii. The claimants are entitled to a sum of **Rs.23,65,502/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.11,42,142/- granted by the tribunal.

iv. Respondent/Insurance Company has already deposited the awarded amount before the tribunal. Therefore, respondent/Insurance Company is directed to deposit the enhanced compensation of **Rs.12,23,360/-** along with the interest at the rate of 6% within one month from the date of this order.

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

Sd/-
(P SREE SUDHA)
JUDGE

AKV
List No.: 1 Sl No.: 76