HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.9562/2018 (MV-I)

BETWEEN:

SRI. MANJUNATH
S/O SHAMBUGOWDA
AGED ABOUT 38 YEARS
R/O KELAGALALE VILLAGE
MALLIPATTNA HOBLI
ARAKALGUD TALUK
HASSAN DISTRICT-573102.

...APPELLANT

(BY SMT. NITHYA H.J. ADV., FOR
SRI. RAVIKUMAR N.R. ADV.,)

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI. DINESHA
S/O MANJASHETTY
AGED MAJOR
R/AT DOOR NO.115, SALAGAME
SALAGAME POST, SALAGAME HOBLI
HASSAN TALUK & DISTRICT-573201.

2. THE MANAGER
ORIENTAL INSURANCE COMPANY LTD.,
BRANCH OFFICE
DIVISIONAL OFFICE
S.S. COMPLEX, SUBASH SQUARE
HASSAN TALUK & DISTRICT-573201.

...RESPONDENTS

(BY SRI. S.Y. SHIVALLI, ADV., FOR R2
R1 SERVICE OF NOTICE IS D/W V.C.O. DTD:09.04.2025)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 25/08/2016, PASSED IN MVC NO.69/2015, ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER, MACT, ARKALGUD, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the claimant injured challenging the judgment and award dated 25.08.2016 passed in M.V.C.No.69/2015 by the Senior Civil Judge and Motor Accident Claims Tribunal, Arkalgud (for short, 'the Tribunal').

2. Smt.Nithya H.J., learned counsel appearing for Sri.Ravikumar N.R., learned counsel for the appellant submits that the Tribunal has committed a grave error in awarding a meager compensation of Rs.97,000/- to the claimant. It is submitted that the Tribunal has not

awarded any compensation under the head of loss of amenities and awarded a meager compensation under heads of food, conveyance charges and attendant charges by ignoring the oral evidence of the injured and other documentary evidence on record. Hence, she seeks to enhance the compensation awarded by the Tribunal appropriately by allowing the appeal.

3. *Per contra*, Sri.S.Y.Shivalli, learned counsel for respondent No.2 supports the impugned judgment and award of the Tribunal and submits that the claimant has failed to prove the disability. Hence, considering the oral and documentary evidence, the Tribunal was fully justified in awarding the just compensation to the claimant and there is no scope for any enhancement. Hence, he seeks to dismiss the appeal.

4. I have heard the arguments of learned counsel for the appellant, learned counsel for the respondent No.2 and meticulously perused the material available on record.

5. It is to be noticed that the claimant met with a road accident on 21.01.2013 and sustained injuries as evident from Ex.P7-wound certificate. The wound certificate indicates that injury Nos.1 and 4 are grievous in nature and the claimant was inpatient in the hospital for a period of 12 days. The medical evidence on record indicates that the claimant sustained injury on left haemopneumothorax, right pneumothorax and abrasions over the left foot and left wrist joint. The income of the claimant is not proved before the Tribunal. Hence, his income is notionally re-assessed at Rs.8,000/- p.m. placing reliance on the notional income chart prepared by Karnataka State Legal Services Authority.

6. Considering the injuries suffered by the claimant and the evidence of CW-1, I am of the considered view that the compensation awarded by the Tribunal is required to be enhanced appropriately. Hence, the same is re-assessed as under:

HEADS	AMOUNT (in Rs.)
Pain and suffering	60,000
Medical expenses	30,000
Food, nourishment, attendant charges and conveyance	20,000
Loss of income during laid up period (8000 x 3)	24,000
Loss of amenities	60,000
Total	**1,94,000**

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.1,94,000/-** as against Rs.97,000/- awarded by the Tribunal.

7. In the result, this Court proceeds to pass the following:

ORDER

a) The appeal is ***allowed in part***.

b) The impugned judgment and award dated 25.08.2016 passed by the Tribunal in M.V.C.No.69/2015 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.1,94,000/-** as against Rs.97,000/- awarded by the Tribunal.

c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.

d) The respondent-Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of the certified copy of this judgment.

e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.

Draw the modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 21