HC-KAR

NC: 2026:KHC:60749
MFA No. 8002 of 2022

CNR: KAHC010547272022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 8002 OF 2022 (MV-I)

BETWEEN:

BABU @ IRSHAD PASHA,
S/O. LATE MEER MAHAMMED,
AGED ABOUT 45 YEARS,
R/AT OLD MASEEDI ROAD,
MADDUR TOWN, MANDYA DISTRICT-571 428.

...APPELLANT

(BY SRI K.L. SREENIVAS, ADVOCATE)

AND:

1. ABOOBACKER,
   S/O. MOIDEEN KUTTY,
   AGE NOT KNOWN BUT MAJOR,
   PUTHAN PEEDIYAKKAL HOUSE,
   KALPAKANCHERY POST, MALAPURAM,
   KERALA STATE-676 551.

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

2. THE BRANCH MANAGER,

THE UNITED INDIA INSURANCE CO. LTD.,

M.C. ROAD, MANDYA CITY-571 401.

…RESPONDENTS

(BY SRI B.A RAMAKRISHNA, ADVOCATE FOR R-2 (ABSENT);
V/O DATED 02.11.2026 NOTICE TO R-1 DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 27.09.2022 PASSED IN MVC NO. 873/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE, MOTOR ACCIDENT CLAIMS TRIBUNAL, MADDUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CNR: KAHC010547272022

ORAL JUDGMENT

The appellant is before this Court seeking enhancement of compensation being aggrieved by the judgment and award dated 27.09.2022 passed in MVC.No.873/2017 on the file of the Motor Accidents Claims Tribunal and Senior Civil Judge, Maddur.

Brief facts of the case:

2. The appellant was working as a loader. One Mr.Raghu S/o Rajanna Madapuradadoddi had called the petitioner for the work of loading the tender coconuts at Gopalapura Village, Mandya Taluk. On 01.01.2017, at about 06.00 am, when the petitioner was traveling in a goods auto belonging to Raghu, who was driving the said goods auto. At about 06.00 pm, when they reached near Mallaiahnadoddi, in front of sugarcane land of Chikkasiddaiah, the driver of the Alto Car dashed on the hind side of the auto. As a result, the goods auto fell into the sugarcane field and toppled. As a result of which, the appellant had sustained injury. After obtaining treatment from various hospitals, a claim petition was filed. The

Tribunal awarded Rs.2,43,800/-. Being aggrieved by the same, the appellant is before this Court.

3. The submission of the learned counsel for the appellant is that the appellant has committed grave error in not awarding adequate compensation, which was required to be enhanced as per settled principle of law in respect of conventional heads. Therefore, it has to be enhanced adequately in order to render the justice to the injured. Making such submissions, learned counsel for the appellant prays to allow the appeal.

4. Learned counsel for respondent No.2 - Insurance Company remained absent.

5. Having heard the learned counsel for the appellant and on perusal of the findings of the Tribunal, the Tribunal while considering the loss of future income, has taken income of Rs.11,000/- per month. However, while assessing the disability, it has taken 8% to the whole body, which is inconsistent to the settled principle of law. Therefore, on considering the injury and avocation of the appellant, it has to

be enhanced to 10%. In fact, he had suffered rib injury. The Doctor has assessed disability at 24.6% to the left upper limb. The appellant being a coolie worker, obviously cannot perform the work as earlier. Having regard to the said aspect, it is appropriate to enhance the compensation. In addition to the same, compensation under the heads of loss of amenities and pain and suffering are also required to be enhanced. Hence, the compensation has been re-determined as follows:

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Loss of future income (Rs.11,000/- X 12 X 15 X 10%)	1,58,400/-	1,98,000/-
02	Pain and suffering	30,000/-	50,000/-
03	Loss of amenities and enjoyment of life	5,000/-	50,000/-
04	Expenses towards treatment, hospitalization, medicines, transportation, attendant charges	17,361/-	17,361/-
05	Loss of earning during laid up period	33,000/-	33,000/-
	TOTAL	**2,43,761/-**	**3,48,361/-**

6. In the light of the observations made above, I proceed to pass the following:-

ORDER

i) This appeal is *allowed in part.*

ii) The judgment and award judgment and award dated 27.09.2022 passed in MVC.No.873/2017 on the file of the Motor Accidents Claims Tribunal and Senior Civil Judge, Maddur, is modified, granting compensation of Rs.3,48,361/- as against Rs.2,43,761/- awarded by the Tribunal along with interest at the rate of 6% per annum from the date of petition till realization.

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.: 5