HC-KAR

NC: 2026:KHC:60111
MFA No. 8276 of 2022
C/W MFA No. 8397 of 2022

CNR: KAHC010564512022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

MISCELLANEOUS FIRST APPEAL NO. 8276 OF 2022

(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 8397 OF 2022

(MV-I)

IN MFA No. 8276/2022

BETWEEN:

1. SRI. RAGHU PRASAD,
   S/O M. G. DIWAKAR,
   AGED ABOUT 32 YEARS,
   R/AT MARALAGALA,
   K. SHETTAHALLI HOBLI,
   SRIRANGAPATNA TALUK,
   MANDYA DISTRICT – 571 907.

…APPELLANT

(BY SRI. VIJAY KUMAR T., ADVOCATE)

AND:

1. THE MANAGER,

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

UNITED INDIA INSURANCE CO. LTD.,
NO.40, LAKSHMI COMPLEX,
K. R. ROAD,
BENGALURU – 560 002.

2. SRI. MOHAMMED RIZWAN SHARIFF,
S/O YAKUB,
AGED MAJOR,
NO.110, BEEDI COLONY,
KERE ANGALA,
CHIKKA MANDYA – 571 402.

3. SRI. THIRUSELUAM,
S/O PICHAIAH N.,
AGED MAJOR,
R/AT P. PURA TOWN,
MANDYA – 570 401.

…RESPONDENTS

(BY SRI. ASHOK N. PATIL., ADVOCATE FOR R1;
R2 AND R3 ARE D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 07.06.2022, PASSED IN MVC.NO.1156/2019, ON THE FILE OF THE XXI A.C.M.M. AND XXIII ADDITIONAL SMALL CAUSE JUDGE, BENGALURU, (SCCH-25), PARTLY ALLOWING THE CLAIM PETITION FOR

COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION

IN MFA NO. 8397/2022

BETWEEN:

1. MISS AKSHATHA B. S.,
   D/O SATHISHA,
   AGED ABOUT 22 YEARS,
   R/AT NO.530,
   THYAGARAJA MOHALLA,
   WARD NO.19, BANNUR TOWN,
   T. NARASIPURA TALUK,
   MYSURU.
   NOW R/AT MARALAGALA,
   K. SHETTAHALLI HOBLI,
   SRIRANGAPATNA TALUK,
   MANDYA DISTRICT - 571 807.

...APPELLANT

(BY SRI. VIJAY KUMAR T., ADVOCATE)

AND:

1. THE MANAGER,
   UNITED INDIA INSURANCE CO. LTD.,
   NO.40, LAKSHMI COMPLEX
   K. R. ROAD,

BENGALURU – 560 002.

2. SRI MOHAMMED RIZWAN SHARIFF,
S/O YAKUB,
AGED MAJOR,
NO.110, BEEDI COLONY,
KERE ANGALA,
CHIKKA MANDYA - 571 402.

3. SRI. THIRUSELUAM,
S/O PICHAIAH N.,
AGED MAJOR,
R/AT P. PURA TOWN,
MANDYA – 570 401.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL., ADVOCATE FOR R1;
R2 AND R3 ARE D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 07.06.2022, PASSED IN MVC NO.1157/2019, ON THE FILE OF THE M.A.C.T., COURT OF SMALL CAUSES AT BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THESE APPEALS ARE, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

These two appeals are arising out of the common judgment and award dated 07.06.2022 passed in MVC.No.1156/2019 and MVC.No.1157/2019 on the file of Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru seeking enhancement of compensation.

The brief facts of the case:

2. On 01.12.2018 at about 03.40 pm, the appellants were traveling on the motorcycle at Mandya near 100 feet main road. When they reached in front of Mahadeshwara Traders, the rider of the motorcycle bearing No.KA-11-Y-7787 dashed against the motorcycle of the appellants, as a result of which, the appellants' sustained injuries and after obtaining treatment, filed two separate claim petitions before the Tribunal. The Tribunal awarded compensation, which is on lower side. Therefore, they are before this Court seeking enhancement of compensation.

3. The submission of the learned counsel for the appellants in both the cases that the Tribunal has committed error in awarding the compensation in respect of the pain and

suffering, even though the appellants had sustained fractures. It is further submitted that the compensation in respect of the medical expenses, incidental charges, food and nourishment is also on lower side. Further, it is submitted that the Tribunal has considered both income as well as the disability, which is on lower side that needs to be enhanced. Making such submissions, learned counsel for the appellants prays to allow the appeal.

4. *Per contra*, learned counsel for the respondent No.1 - Insurance Company vehemently justified the award passed by the Tribunal as just and fair and prays to dismiss the appeal.

5. Having heard the learned counsel for the respective parties and on perusal of findings of the Tribunal in awarding the compensation in MFA No.8276/2022 (MVC.No.1156/2019), the appellant had sustained fracture of right shaft of tibia and other injuries, which are grievous in nature and his monthly income has been considered at Rs.12,000/- per month and the disability has been calculated to 10%. However, the Tribunal ought to have considered at Rs.12,500/- per month, since the accident occurred in the year 2018. Therefore, the

compensation under the heads of loss of future amenities and loss of income during laid up period has also to be re-determined as under:

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Pain and suffering	50,000/-	50,000/-
02	Loss of income during laid up period (Rs.12,500/- X 3)	12,000/-	37,500/-
03	Loss of future amenities	20,000/-	1,00,000/-
04	Attendance, conveyance, food and nourishment charges	17,000/-	17,000/-
	TOTAL	**99,000/-**	**2,04,500/-**

6. In MFA.No.8397/2022 (MVC.No.1157/2019), the Tribunal has considered notional income of the appellant as Rs.10,000/-. However, it has to be considered at Rs.12,500/-, since the accident occurred in the year 2018 and the disability of 8% was considered by the Tribunal, however, the Doctor opined that the disability of 39.92% to right upper limb which is about to 13.31% of whole body. Therefore, it is appropriate to consider 14%. In addition, the compensation awarded by the Tribunal under the heads of pain and suffering, loss of future

income, loss of income during laid up period and loss of future amenities has to be re-determined and enhanced as under:

Sl. No.	Particulars	Award amount (in Rupees)	
		Tribunal	This Court
01	Pain and suffering	30,000/-	50,000/-
02	Loss of income during laid up period (Rs.12,500/- X 3)	10,000/-	37,500/-
03	Loss of future amenities	17,000/-	40,000/-
04	Attendance, conveyance, food and nourishment charges	17,000/-	17,000/-
05	Loss of future income (Rs.12,500/- X 12 X 18 X 14%)	1,72,800/-	3,78,000/-
	TOTAL	**2,46,800/-**	**5,22,500/-**

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

ORDER

i) The appeals are *allowed in part.*

ii) The common judgment and award dated 07.06.2022 passed in MVC.No.1156/2019 and MVC.No.1157/2019 on the file of Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru, is

modified, granting compensation of Rs.2,04,500/- in MFA No.8276/2022 and Rs.5,22,500/- in MFA.No.8397/2022 with interest at the rate of 6% per annum from the date of filing of petitions 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 common judgment.

iv) The Tribunal is directed to release the entire amount in favour of the claimants.

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.: 50