HC-KAR
CNR: KAHC010668502025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 7584 OF 2025 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL No. 4974 OF 2025 (MV-I)

MISCELLANEOUS FIRST APPEAL No. 4986 OF 2025 (MV-I)

MISCELLANEOUS FIRST APPEAL No. 7580 OF 2025 (MV-I)

IN MFA No. 7584/2025

BETWEEN:

THE MANAGER
THE NEW INDIA ASSURANCE COMPANY LTD.
TP CLAIMS HUB, No.9/2, 2ND FLOOR
MAHALAKSHMI CHAMBERS
M.G.ROAD, BENGALURU-560 001.

...APPELLANT

(BY SMT. MALATHI T N, ADVOCATE)

AND:

1. SRI HARIHARAN K
S/O V. KRISHNAMURTHY
AGED 27 YEARS, R/AT 116
NEAR ANJINEYA TEMPLE
HEELAIGE VILLAGE, HEELALIGE
BENGALURU-560 099.

2. NETHAJI M
S/O MANOHARAN.V

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

FLAT No.S-2, 2ND FLOOR
NANDAS GOKULAM PLOT No.29
SAI NAGAR EXTN,
C.V.RAMAN CROSS STREET
CHITLAPAKKAM, NEAR ICICI BANK
CHENNAI, TAMIL NADU-600 064.

…RESPONDENTS

(BY SRI. JAGADEESH H T, ADVOCATE FOR R1
SRI NARASIMHA MURTHY V, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED: 01.03.2025 PASSED IN MVC No. 6238/2023 ON THE FILE OF THE XVIII ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES, MACT, BENGALURU CITY (SCCH-4), AWARDING COMPENSATION OF Rs.9,00,413/-(FUTURE MEDICAL EXPENSES SHALL NOT CARRY ANY INTEREST) WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE REALIZATION.

IN MFA No. 4974/2025

BETWEEN:

SRI SRIHARAN MUTHUKUMAR
S/O MUTHUKUMAR
AGED ABOUT 19 YEARS
R/AT No.15/8A, AGRAHARA STREETM
ANNUR (T.P) COIMBATORE
TAMIL NADU-641 653.

...APPELLANT

(BY SRI. JAGADEESH H T, ADVOCATE)

AND:

1. THE MANAGER
THE NEW INDIA ASSURANCE CO LTD.,
TP CLAIMS HUB

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

No.9/2, 2ND FLOOR
MAHALAKSHMI CHAMBERS, M.G.ROAD,
BENGALURU-560 001.

2. SRI NETHAJI M
S/O MANOHARAN V
MAJOR
R/AT FLAT No.S-2, 2ND FLOOR
NANDAS GOKULAM PLOT No.29
SAI NAGAR EXTN., C V RAMAN CROSS STREET
CHITLAPAKKAM, NEAR ICICI BANK
CHENNAI, TAMIL NADU-600 064.

...RESPONDENTS

(BY SMT. MALATHI T N, ADVOCATE FOR R1
V/O DTD. 10.07.2025 NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:01.03.2025 PASSED IN MVC No.6237/2023 ON THE FILE OF THE XVIII ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES, MACT, BENGALURU CITY, (SCCH-4), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA No. 4986/2025

BETWEEN:

SRI HARIHARAN K
S/O V. KRISHNAMURTHY
AGED ABOUT 27 YEARS
R/AT No.116, NEAR ANJINEYA TEMPLE
HEELAIGE VILLAGE, HEELALIGE
BANGALORE-99.

...APPELLANT

(BY SRI JAGADEESH H T, ADVOCATE)

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

AND:

1. THE MANAGER
   THE NEW INDIA ASSURANCE CO LTD.,
   TP CLAIMS HUB,
   No. 9/2, 2ND FLOOR
   MAHALAKSHMI CHAMBERS
   M.G. ROAD, BENGALURU-560 001.

2. SRI, NETHAJI M
   S/O MANOHARAN V
   MAJOR
   R/AT FLAT. No. S-2,
   2ND FLOOR
   NANDAS GOKULAM PLOT No. 29
   SAI NAGAR EXTN
   C.V. RAMAN CROSS STREET
   CHITLAPAKKAM, NEAR ICICI BANK
   CHENNAI, TAMIL NADU-600 064.

...RESPONDENTS

(BY SRI. MALATHI T N, ADVOCATE FOR R1
V/O DTD. 10.07.2025 NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED: 01.03.2025 PASSED IN MVC No.6238/2023 ON THE FILE OF THE XVIII ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES, MACT, BENGALURU CITY, (SCCH-4), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA No. 7580/2025

BETWEEN:

THE MANAGER
THE NEW INDIA ASSURANCE COMPANY LTD.,
TP CLAIMS HUB, No. 9/2, 2ND FLOOR
MAHALAKSHMI CHAMBERS

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

M.G. ROAD
BENGALURU-560 001.

...APPELLANT

(BY SRI MALATHI T N, ADVOCATE)

AND:

1. SRI SRIHARAN MUTHUKUMAR
S/O. MUTHUKUMAR
AGED ABOUT 21 YEARS
R/AT No. 15/8A, AGARAHAR STREET
ANNUR (T.P) COIMBATORE
TAMIL NADU-641 653.

2. SRI. NETHAJI. M
S/O. MANOHARAN. V
FLAT No. S-2, 2ND FLOOR
NANDAS GOKULAM PLOT No. 29
SAI NAGAR EXTENSION
C.V. RAMAN CROSS STREET
CHITLAPAKKAM, NEAR ICICI BANK
CHENNAI, TAMIL NADU-600 064.

...RESPONDENTS

(BY SRI. JAGADEESH H T, ADVOCATE FOR R1
V/O DTD. 08.09.2026 NOTICE TO R2 D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED: 01.03.2025 PASSED IN MVC No. 6237/2023 ON THE FILE OF THE XVIII ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES, MACT, BENGALURU CITY (SCCH-4), AWARDING COMPENSATION OF Rs.6,94,727/- (FUTURE MEDICAL EXPENSES SHALL NOT CARRY ANY INTEREST) WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL THE REALIZATION.

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

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

JUDGMENT

MFA No.7584/2025 is filed by the insurer challenging the award dated 01.03.2025 passed in MVC No.6238/2023 by the XVIII Additional Judge, Court of Small Causes and Member, MACT, Bengaluru (SCCH-4) and MFA No.4986/2025 is filed by the claimant seeking enhancement of compensation.

2. MFA No.7580/2025 is filed by the insurer challenging the award dated 01.03.2025 passed in MVC No.6237/2023 by the XVIII Additional Judge, Court of Small Causes, Member, MACT, Bengaluru (SCCH-4) and MFA No.4974/2025 is filed by the claimant seeking enhancement of compensation.

3. The claimant in MVC No.6238/2023 was a rider and claimant in MVC No.6237/2023 was a pillion rider on motor cycle bearing Regn.No.KA-51-HM-7961. The accident occurred on 03.09.2023. The claimants

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contended that driver of Swift Dzire Car bearing Reg.No.TN-11-J-8636 which was proceeding ahead of claimants' bullet motor cycle, suddenly stopped, due to which the bullet motor cycle of the claimants dashed to the Car, as a result, the claimants sustained severe injuries. The claimants made claim petitions praying to award compensation for the injuries sustained by them. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

MVC No.6238/2023

Sl.No.	Heads	Amount in (Rs.)
01.	Loss towards earning capacity/loss of future income	4,60,685/-
02.	Loss of income during laid up period	32,040/-
03.	Medical expenses	1,27,688/-
04.	Future medical expenses	40,000/-
05.	Conveyance allowance, attendant charge and special diet	80,000/-
06.	Pain and suffering	1,00,000/-
07.	Loss of enjoyment and loss of amenities of life	60,000/-
	Total	**9,00,413/-**

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MVC No.6237/2023

Sl.No.	Heads	Amount in (Rs.)
01.	Loss towards earning capacity/loss of future income	3,45,600/-
02.	Loss of income during laid up period	32,040/-
03.	Medical expenses	37,087/-
04.	Future medical expenses	40,000/-
05.	Conveyance allowance, attendant charge and special diet	80,000/-
06.	Pain and suffering	1,00,000/-
07.	Loss of enjoyment and loss of amenities of life	60,000/-
	Total	**6,94,727/-**

4. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed insurer of the Car to deposit the award amount with interest. The claimants seeking enhancement of compensation have filed the appeals and the insurer has filed appeals challenging the liability saddled on it and also quantum of compensation.

5. Heard learned counsel for the claimants and learned counsel for the insurer.

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6. Learned counsel for the insurer would contend that the claimants were not maintaining sufficient distance between their vehicle and the car. If the car suddenly stopped, the claimants ought to have applied brake in order to avoid accident. As claimants have not maintained sufficient distance, their motor cycle dashed to the car and there is contributory negligence on the part of the rider of the motor cycle. She further submits that compensation awarded by the Tribunal under all heads is on higher side. There is no disability sustained by the claimants in both the claim petitions. With this she prayed to allow the appeals filed by the insurer.

7. Learned counsel for the claimants would contend that the driver of the car suddenly stopped his car in the middle of the road without giving any signal/indication and therefore, the motor cycle of the claimants dashed to the car. The charge sheet has been filed against the driver of Car for rash and negligent driving for the offence under Sections 279 and 338 of IPC. Considering the said aspect,

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the Tribunal has rightly held that the entire rash and negligent driving is by the driver of the car. He further submits that the rider/claimant in MVC No.6238/2023 has sustained 40% of the disability to the left lower limb as per evidence of PW.2 and considering the same, the Tribunal has rightly taken whole body disability at 13.33%. Considering the injuries sustained by the claimant, the compensation awarded by the Tribunal under all heads is on lower side.

8. Learned counsel for the claimant further contends that the claimant in MVC No.6237/2023 has sustained left deep cut lacerated wound over knee and considering the same PW.2- Doctor has rightly stated that he is having 30% disability to the left lower limb and 10% to the whole body and considering the same Tribunal has rightly taken the whole body disability at 10%. The compensation awarded under all heads is on lower side. With this, he prayed to allow the appeals filed by the claimants.

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9. Having heard the learned counsels, this Court has perused the judgment, award and trial Court records. The following points arises for consideration:

(i) Whether the Tribunal is justified in attributing rash and negligent driving on the part of the driver of insured car?

(ii) Whether the compensation awarded in MVC No.6238/2023 is just and proper?

(iii) Whether the compensation awarded in MVC No.6237/2023 is just and proper?

Re-point No.1

10. The accident occurred on 03.09.2023 at about 9.30 to 9.45 p.m. and it is on National Highway, Hosur – Bangalore road. Ex.P8 is the charge sheet and it is filed against the driver of the insured car bearing Reg.No.TN-11-J-8636 for rash and negligent driving for the offence under Sections 279 and 338 of IPC. The said charge sheet itself indicate that rash and negligent driving is only on the part of the driver of the insured car. The insurer in order

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to substantiate their contention have not elicited anything in the cross-examination of the claimants i.e. what was the distance between the car and the motor cycle. Considering the said aspect, the Tribunal has rightly held that the entire rash and negligent driving is on the part of the driver of the insured car. Accordingly, point No.1 is answered.

Re-point No.2

11. The claimant in MVC No.6238/2023 was rider of the motor cycle and he was mechanic aged 25 years. Considering the age of the claimant, the Tribunal has rightly appiled multiplier '18'. The notional income fixed for the year 2023 is Rs.16,250/- p.m. and the same has to be taken as against Rs.16,000/- taken by the Tribunal. The claimant has sustained left foot degloving injury with 2nd and 3rd metatarsal fracture and lacerated wound over right frontal head. Considering the said injuries, the Tribunal has rightly awarded Rs.1,00,000/- towards pain

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and suffering and a sum of Rs.60,000/- towards loss of amenities.

12. PW.2 is the Doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 40% disability to the left lower limb and 13.33% to the whole body and the Tribunal has taken the disability at 13.33%. Since disability is to the lower limb, 1/3rd of the same has to be taken as disability to the whole body. Therefore, the Tribunal has rightly taken disability at 13.33%. In view of the same, the loss of future income due to disability is calculated as under:

Rs.16,250 x 12 x 18 x 13.33% = Rs.4,67,883/-.

13. The Tribunal has awarded loss of income during laid up period in a sum of Rs.32,040/-. The claimant has to take rest atleast for two months considering the injuries sustained by him and therefore, the claimant is entitled to a sum of Rs.32,500/- (Rs.16,250 x 2 months) as against Rs.32,040/- awarded by the Tribunal. The Tribunal has

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rightly awarded medical expenses of Rs.1,27,688/- based on bills.

14. PW.2 – Doctor has not stated anything with regard to the claimant requiring any further treatment and therefore, the claimant is not entitled to future medical expenses of Rs.40,000/- awarded by the Tribunal. The claimant has been admitted in the hospital for four days and therefore, he is entitled to attendant and conveyance charges, food and nourishment etc. in a sum of Rs.4,000/- (Rs.1000 x 4 days) as against Rs.80,000/- awarded by the Tribunal.

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

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Pain and suffering	1,00,000/-
02.	Loss of amenities	60,000/-
03.	Loss of income during laid up period	32,500/-
04.	Medical expenses	1,27,688/-
05.	Future medical expenses	NIL
06.	Attendant and conveyance charges	4,000/-
07.	Loss of future income due to	4,67,883/-

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	disability	
	Total	**7,92,071/-**

16. Considering the above aspects, the claimant is entitled to total compensation of Rs.7,92,071/- as against Rs.9,00,413/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Accordingly, point No.2 is answered.

Re-point No.3

17. The claimant in MVC No.6237/2023 was a pillion rider of the motor cycle. The accident occurred on 03.09.2023 and as on the date of accident, the claimant was aged 19 years. Considering the age of the claimant, the Tribunal has rightly taken multiplier '18'. The notional income fixed for the year 2023 is Rs.16,250/- p.m. and the same has to be taken as against Rs.16,000/- taken by the Tribunal. The claimant has sustained left deep cut lacerated wound over knee. Considering the said injuries sustained by the claimant, he is entitled to a sum of

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Rs.60,000/- towards pain and suffering as against Rs.1,00,000/- awarded by the Tribunal and loss of amenities in a sum of Rs.40,000/-as against Rs.60,000/- awarded by the Tribunal.

18. The claimant has to take rest atleast for two months considering the injuries sustained by him and therefore, the claimant is entitled to a sum of Rs.32,500/- (Rs.16,250 x 2 months) as against Rs.32,040/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.37,087/- based on the bills.

19. PW.2 – Doctor has not stated anything with regard to the claimant requiring any further treatment and therefore, the claimant is not entitled future medical expenses of Rs.40,000/- awarded by the Tribunal. The claimant has been admitted in the hospital for 03 days and therefore, he is entitled to attendant and conveyance charges, food and nourishment etc in a sum of Rs.3,000/-

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(Rs.1000 x 3 days) as against Rs.80,000/- awarded by the Tribunal.

20. PW.2 is the Doctor who has examined the claimant, assessed his disability and stated that the claimant has sustained 30% disability to the left lower limb and 10% to the whole body. The claimant has sustained left deep cut lacerated wound over knee. Considering the same, the Tribunal has rightly taken the disability to the whole body at 10%. In view of the same, the loss of future income due to disability is calculated as under:

Rs.16,250 x 12 x 18 x 10% = Rs.3,51,000/-.

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

Sl.No.	**Heads**	**Amount in (Rs.)**
01.	Pain and suffering	60,000/-
02.	Loss of amenities	40,000/-
03.	Loss of income during laid up period	32,500/-
04.	Medical expenses	37,087/-
05.	Future medical expenses	NIL

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06.	Attendant and conveyance charges	3,000/-
07.	Loss of future income due to disability	3,51,000/-
	Total	**5,23,587/-**

22. Considering the above aspects, the claimant is entitled to total compensation of Rs.5,23,587/- as against Rs.6,94,727/- awarded by the Tribunal with interest @ 6% p.a. from the date of petition till realization. Accordingly, point No.3 is answered.

23. The insurer of the car is liable to pay the compensation with interest.

In view of the above, the following:

ORDER

i) All the appeals are allowed in part**.**

ii) The claimant in MVC No.6238/2023 is entitled to total compensation of Rs.7,92,071/- as against Rs.9,00,413/- as awarded by the Tribunal, with interest @ 6% p.a. from the date of petition till realization.

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iii) The claimant in MVC No.6237/2023 is entitled to total compensation of Rs.5,23,587/- as against Rs.6,94,727/- as awarded by the Tribunal, with interest @ 6% p.a. from the date of petition till realization.

iv) The insurer of the Car (Respondent No.1 before the Tribunal) shall deposit the compensation in both the claim petitions, with interest before the Tribunal within a period of six weeks from this day.

v) Out of the compensation awarded, 50% shall be released to the claimants and remaining 50% shall be kept in fixed deposit with Karnataka Bank, City Civil Court Branch, Bengaluru, in the name of the claimants for a period of three years.

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

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JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 33