



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**MISCELLANEOUS FIRST APPEAL NO. 137 OF 2024 (MV-I)**

**BETWEEN:**

G.L. RAMDAS  
S/O LATE LAKSHMIPATHAIAH  
AGED ABOUT 54 YEARS,  
R/A GANGA NILAYA,  
VIDYANAGARA, 3RD CROSS  
STELLA MERRYS ROAD, TIPTUR  
TUMAKURU DISTRICT.  
NOW R/A DR. GURUMANJUNATHA  
CHIRANJEEVI NILAYA,  
PUTTANJANEYASWAMY TEMPLE ROAD  
KUVEMPU NAGARA,  
TUMAKURU MAHANAGARA PALIKE,  
TUMAKURU.



...APPELLANT

(BY SRI. RAGHU R, ADVOCATE)

**AND:**

1. V LAKSHMI  
W/O MUNIRAJU  
NOW AGED ABOUT 38 YEARS  
R/A DEVARAHALLI VILLAGE  
KARADI POST, KIBBANAHALLI HOBLI  
TIPTUR TALUK, TUMAKURU DISTRICT - 572 201



KARNATAKA.

2. THE MANAGER  
UNITED INDIA INSURANCE CO. LTD.,  
B.O. RAGAVENDRA COLONY,  
B.H. ROAD, TIPTUR - 572 201.

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R2;  
VIDE ORDER DATED 23.09.2025, NOTICE TO R1  
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 30.01.2023 PASSED IN MVC  
NO. 850/2021 ON THE FILE OF THE VIII ADDITIONAL  
DISTRICT JUDGE AND MEMBER, MACT, TUMAKURU, 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 MRS. JUSTICE P SREE SUDHA



**ORAL JUDGMENT**

Heard the arguments of both sides.

2. This appeal is filed against the award of the tribunal in M.V.C.No.850/2021 dated 30.01.2023. Injured/claimant met with an accident on 18.06.2021 and filed a petition claiming compensation of Rs.20,00,000/-. The Tribunal considered the entire evidence on record granted an amount of Rs.4,55,835/-. But he fixed up the contributory negligence of 15% on the part of the injured and 85% on the part of the Insurance Company and accordingly directed to deposit Rs.3,87,460/- with interest at the rate of 6% per annum from the date of petition till realization.

3. Aggrieved by the said order, he preferred an appeal and mainly contented that tribunal erred in deducting 15% of compensation towards contributory negligence. It is stated that the FIR and charge sheet are filed against the driver of the offending vehicle and respondent No.2 have not produced any evidence and there is no material evidence to fix the contributory



negligence. But the Tribunal erroneously fixed the same and it is to be set aside. It is further stated that petitioner was doing metal business and earning Rs.60,000/- per month. But the Tribunal has taken income on lower side and as per the medical evidence, the petitioner sustained disability of 36% to the right lower limb and 12% to the whole body. But the tribunal has taken 10% disability and the amounts granted under other heads are meager. Therefore, requested for enhancement of the compensation.

4. Though learned counsel for the petitioner stated that he was earning Rs.60,000/- per month. He has not filed any income proof. As he met with an accident in the year 2021. The tribunal has rightly considered Rs.15,000/- notional income as per the chart prepared by Karnataka State Legal Services Authority and it is confirmed. He was aged 51 years and the relevant multiplier is '11'. The petitioner filed Ex.P3-wound certificate and Ex.P8 Discharge summary and examined the Doctor as PW-2. He is an orthopedic surgeon, he stated that petitioner



sustained fracture of proximal tibia and fracture of head of tibia, which are grievous in nature and he assessed the whole body disability as 12% and right lower limb disability as 36% and in the cross examination he stated that he is a treated Doctor and admitted that the fracture is united and he issued disability certificate and also estimated the cost of another surgery as Rs.45,000/- but the learned counsel for the respondent stated that as the fractures are united, the tribunal has rightly considered the disability as 10% and it is to be confirmed. However considering the nature of injuries, medical evidence on record, this Court finds it reasonable to take 1/3<sup>rd</sup> of 36% i.e., 12% disability. Thus, loss of future earning capacity comes to Rs.2,37,600/- (15,000x12x 11 x 12%).

5. The tribunal has already granted ₹ 87,835/- towards medical expenses and the said amount is confirmed. He was admitted in the hospital for a period of 7 days. Considering the nature of injuries, period of hospitalization and other relevant factors. This Court finds it reasonable to grant an amount of Rs.50,000/- for pain



and suffering, Rs.25,000/- for loss of amenities. The tribunal has already granted Rs.40,000/- for transportation, extra nourishment and attendant charges and it is confirmed. Petitioner might not have attended any other work atleast for a period of 3 months due to the injuries sustained in the accident. Therefore, Rs.45,000/- is to be granted under the head loss of income during laid up period and the tribunal has already granted Rs.40,000/- for future medical expenses and it is confirmed. Thus in all, compensation awarded by this Court is as below:

| Sl.Nos. | Particulars                                                     | Amount in Rs. |
|---------|-----------------------------------------------------------------|---------------|
| 1.      | Towards pain and suffering                                      | 50,000        |
| 2.      | Towards loss of amenities                                       | 25,000        |
| 3.      | Towards transportation, extra nourishment and attendant charges | 40,000        |
| 4.      | Towards loss of income during laid up period                    | 45,000        |
| 5.      | Towards loss of future medical expenses                         | 40,000        |
| 6.      | Medical expenses                                                | 87,835        |
| 7.      | Loss of future earning capacity                                 | 2,37,600      |
|         | Total                                                           | 5,25,435/-    |



7. Hence, the appellant-claimant is entitled for a total compensation of **Rs.5,25,435/-** along with interest at the rate of 6% p.a.

8. The learned counsel for the appellant has relied upon a citation reported in **SC-2018-8-172 dated 31.08.2018 in the case of Saraswati Palariya -vs- New India Assurance Company Limited** and at para 5 of the judgment it was stated as follows:-

*"The finding of the Hon'ble Court of contributory negligence on the ground that the deceased was driving the vehicle without a driving license is equally unsustainable. Driving without a valid driving license may expose the claimant(s) to other liabilities but no inference of contributory negligence can be arrived on that basis".*

9. The manner of accident shows, while petitioner was proceeding on his moped bearing No.KA-44-H-5999 in front of Gurukula Complex Bridge, N.H-206 road, Tiptur town, Tumakuru District, the rider of TVS Jupiter Motorbike bearing No.KA-44-V-2668 came from behind in a rash and negligent manner with high speed and dashed



to the moped of petitioner. As a result, he sustained injuries. Charge sheet is also filed against the driver of TVS Jupiter motorbike. But the Tribunal observed that petitioner was not having valid driving licence and he has not filed the copy of the policy existing as on the date of accident and assessed the contributory negligence on his part as 15%. But merely because petitioner has not filed driving license it cannot be said that he contributed for the accident. Therefore, the contributory negligence fixed upon by the tribunal at the rate of 15% is not proper, as a TVS Jupiter dashed the petitioner's moped from back side. It cannot be said that there is contributory negligence on the part of the petitioner and the said contributory negligence fixed up by the tribunal is set aside.

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

**ORDER**

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 30.01.2023



passed in MVC No.850/2021 on the file of the VII Additional District Judge and Motor Accident Claims Tribunal, Tumakuru is modified.

- iii. The claimant is entitled to a sum of **Rs.5,25,435/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,87,460/- granted by the tribunal.
- iv. Insurance Company has already deposited 85% of the compensation before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the balance compensation along with the interest at the rate of 6% within one month from the date of this order.
- v. On such deposit, petitioner is permitted to withdraw the entire amount.



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- vi. As per the order dated 23.09.2025 on  
I.A No.1/2024, the appellant is not entitled  
for interest for a delay period of 219 days.

**Sd/-**  
**(P SREE SUDHA)**  
**JUDGE**

VS  
List No.: 1 Sl No.: 65