



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 667 OF 2025 (MV-I)

BETWEEN:

SRI. MANJUNATH T.R
S/O RANGASWAMIAH
NOW AGED ABOUT 32 YEARS,
R/A SHANKARAPPA COMPOUND,
7TH CROSS, UPPARAHALLI,
SOMESWARAPURAM,
TUMKUR DISTRICT - 872 102.

...APPELLANT

(BY SRI. RAGHU R, ADVOCATE)

AND:

1. THE MANAGER
SBI GEN. INS. CO., LTD.,
FIRST FLOOR, NO. 3/1,
RUKMINI TOWERS, PLATFORM ROAD,
SHESHADRIPURAM, BENGALURU - 560 020.

2. GOPI TRADERS, PRO Y. GOPI
NO. 173, JELAGERAMMA TEMPLE
LOTTEGOLLAHALLI, M.V. EXTENSION II STAGE
BENGALURU - 560 094.

...RESPONDENTS

(BY SRI. P.S. JAGADISH, ADVOCATE FOR R1;
VIDE ORDER DATED 16.03.2026, NOTICE TO R2
DISPENSED WITH)

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 27.04.2024 PASSED IN MVC NO.7965/2019 ON THE FILE OF THE XI ADDITIONAL SMALL CAUSES JUDGE AND ACMM, COURT OF SMALL CAUSES, MEMBER, MACT-12, BENGALURU (SCCH-12), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 27.04.2024 passed in MVC No.7965/2019 on the file of the XI Additional Small Causes Judge and ACMM, Court of Small Causes, Member, MACT-12, Bengaluru, for enhancing the compensation.

2. Heard the arguments of learned counsel for the appellant and learned counsel for respondent No.1/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.



3. The petitioner/injured claimant met with an accident on 26.10.2019 and filed petition before the Tribunal for compensation of Rs.10,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.3,89,123/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realization. Being aggrieved by the said order, this appeal is filed and mainly contended that the petitioner/injured examined PW.2-Orthopedic Surgeon, who assessed the disability at 33% of the right arm and 11% to the whole body. The petitioner also examined PW.3-Dental Surgeon, who assessed the disability at 25% to the whole body. But the Tribunal has erroneously taken the disability at 8% and the compensation awarded under other heads is meagre. It is further stated that the petitioner/injured was working as a finance officer at Capital Finance, Chikkaballapura, and his income was taken on the lower side. Therefore, requested for enhancement of compensation.



4. Learned counsel for respondent No.1/Insurance Company contended that the petitioner/injured himself admitted that he was earning Rs.13,000/- per month. As such, the Tribunal has rightly taken his income at Rs.13,000/- per month. Moreover, the injuries sustained to the teeth will not come in the way of his employment and thus Tribunal has rightly not considered the disability given by PW.3 and the disability assessed by the Tribunal at the rate of 8% is just and proper.

5. Though petitioner/injured stated that he was earning Rs.13,000/- per month, he has not filed any income proof. In cases where there is no proof of income, this Court relies upon the chart prepared by the Karnataka State Legal Services Authority and considers the notional income mentioned therein. Accordingly, in the present case, this Court finds it reasonable to take the notional income at Rs.14,000/- per month, as the accident occurred in the year 2019. As it is a beneficial legislation, whichever is beneficial to the petitioner is to be taken. The



petitioner was aged 25 years and the applicable multiplier is '18'. The petitioner/injured examined PW.2-Orthopedic Surgeon, he stated that the petitioner/injured had sustained a nasal bone fracture and fracture of lateral third of the right clavicle. He further stated that the petitioner was treated with ORIF using plate and screws. The fractures have united. However, petitioner continues to complain of weakness and pain in the right shoulder and is unable to lift weights or carry his routine work normally. PW.2 further stated that the petitioner has a healed scar with palpable hardware and restricted movements of the right shoulder. X-ray of the right shoulder shows a united fracture with the implant in situ. He assessed the permanent disability at 33% of the right arm and 11% to the whole body. He also stated that the petitioner requires another surgery for removal of the implant and the estimated cost of which is Rs.60,000/-. The petitioner also examined a Dental Surgeon as PW.3,



he stated that the petitioner had sustained orofacial injuries, namely panfacial injury, including:

- 1. Nasal bone fracture with displacement; and*
- 2. Fracture of the upper four anterior teeth, which have become non-vital.*

PW.3 assessed the permanent disability at 25% to the whole body. It is stated that the petitioner has suffered permanent disability in respect of the nasal bone fracture and damage to the four upper incisor teeth. He was treated for the nasal bone fracture and requires root canal treatment along with metal-free ceramic crowns for the four upper incisor teeth. It is further stated that the function of the jaws is to hold the teeth, which in turn will help in biting (chewing) food and aesthetics (appearance). The estimated cost for the root canal treatment and metal-free ceramic crowns for the four upper incisor teeth is Rs.60,000/-.

6. Learned counsel for respondent No.1/Insurance Company contended that though the petitioner/injured



sustained injuries to his teeth, the same will not affect his work. However, the petitioner/injured was working as a Finance Officer in a capital finance company, where he has to deal with people who are appearing before him. He has sustained a fracture of the nasal bone and requires root canal treatment and he cannot chew hard food and his chewing ability is restricted to 50%. Consequently, it would affect his ability to eat properly and work properly. Therefore, this Court finds it reasonable to consider the disability of the orofacial injuries at 10% for the purpose of calculation. Admittedly, PW.2 has assessed the disability of the right arm at 33% and $\frac{1}{3}^{\text{rd}}$ of it comes to 11% to the whole body. The disability assessed by PW.3 is taken at 10%. Thus, the total disability is assessed at 21%. As the disability is more than 20%, the petitioner/injured is entitled to an addition of 40% towards future prospects, in view of the judgment of this Court in **MFA No.103807/2016** dated **27.05.2022**, between **New India Assurance Company Limited Vs. Abdul S/o**



Mehaboob Tahasildar & Others. Thus, the loss of future earning capacity comes to **Rs.8,89,056/-** (Rs.14,000 + 40% × 12 × 18 × 21%). The Tribunal has awarded a sum of **Rs.86,483/-** towards medical expenses and it is confirmed. The petitioner/injured was hospitalized for a period of five days. Considering the nature of injuries, period of hospitalization and other relevant factors, this Court finds it reasonable to award a sum of **Rs.50,000/-** towards pain and suffering, **Rs.30,000/-** towards transportation, extra nourishment and attendant charges and **Rs.25,000/-** towards loss of amenities. This Court also finds it reasonable to award **Rs.60,000/-** towards future medical expenses.

7. 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 medical expenses	86,483/-
3	Towards loss of amenities	25,000/-
4	Towards transportation, extra nourishment and attendant charges	30,000/-
5	Towards future medical expenses	60,000/-
6	Towards loss of future earning capacity	8,89,056 /-
	Total	11,40,539 /-

8. Hence, the appellant-claimant is entitled for a total compensation of Rs.11,40,539/- along with interest at the rate of 6% p.a.

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

ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 27.04.2024 passed in MVC No.7965/2019 on the file of



the XI Additional Small Causes Judge and ACMM, Court of Small Causes, Member, MACT-12, Bengaluru, is modified.

- iii. The claimant is entitled to a sum of **Rs.11,40,539/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,89,123/- granted by the Tribunal.
- iv. Respondent No.1/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.1/Insurance Company is directed to deposit enhanced compensation of **Rs.7,51,416/-** 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 along with interest accrued on the same.



- vi. The Tribunal has already directed pay and recovery. Therefore, the Insurance Company is at liberty to recover the same from the owner of the vehicle by due process of law.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 50