



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 834 OF 2025 (MV-I)

BETWEEN:

MANJULA R
D/O RAMAIAH.
NOW AGED ABOUT 44 YEARS.
R/AT MANAGONDANAHALLI KOIRA,
BANGALORE RURAL - 562 110.

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

AND:

1. THE MANAGER
M/S TRANS CARGO INDIA,
NO.CO NO.65, FIRST FLOOR SECTOR 16 A,
FARIDABAD, HARYANA - 121 002.
2. THE MANAGER,
THE TATA AIG GEN. INS. CO. LTD.,
NO.20, BAHCHAMMAL ROAD,
NEXT TO CANARA BANK, COX TOWN,
BENGALURU - 560 005.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 24.07.2025, NOTICE TO R1
DISPENSED WITH)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 05.11.2024 PASSED IN MVC NO.2270/2023 ON THE FILE OF THE XXII ADDITIONAL SCJ AND ACJM, MEMBER, MACT, BENGALURU SCCH-24, 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

Heard the arguments of both sides.

2. The Tribunal passed a common judgment and award in MVC Nos.2270/2023 and 2271/2023 on 05.11.2024. The present appeal is filed challenging the judgment and award in MFA No.2270/2023, passed by the XXII Additional Small Causes Judge and ACJM, Member, Motor Accident Claims Tribunal, Bengaluru (hereinafter referred to as "the Tribunal"), seeking enhancement of compensation.



3. The injured claimant met with an accident on 08.01.2023 and filed a claim petition claiming compensation of Rs.20,00,000/-. The Tribunal, after considering the entire evidence on record granted an amount of Rs.2,78,800/- with interest at 6% per annum from the date of petition till realisation.

4. Aggrieved by the said order, she preferred an appeal, mainly contended that she is engaged in tailoring work and earns Rs.25,000/- per month. The doctor who was examined assessed the permanent disability of the whole body at 20%. However, the Tribunal did not properly consider the said disability. It was further contended that the compensation awarded under various heads is meager and the rate of interest granted is also on the lower side. Therefore, requested for enhanced of compensation.

5. *Per contra*, learned counsel for the respondent submits that the claimant has sustained only orofacial injuries and the Tribunal has rightly not considered the



disability for the purpose of loss of future income. Therefore, the impugned judgment and award does not call for interference.

6. Though the appellant has contended that she was earning Rs.25,000/- per month by doing tailoring work, no documentary evidence has been produced to substantiate the same. Considering that the accident occurred in the year 2023, the notional income is taken at Rs.16,000/- per month. The appellant was aged 42 years at the time of the accident and the applicable multiplier is '14'.

7. The appellant has produced Ex.P-6-wound certificate and Ex.P-8-discharge summary and has also examined the dental surgeon as PW-6. The evidence discloses that the appellant sustained orofacial injuries, including a fracture of the nasal bone and maxilla. The doctor has assessed the permanent disability of the whole body at 20%.



8. The doctor has further deposed that the permanent disability pertains to the maxilla (upper jaw) and nasal bone. He has stated that the function of the jaws is to hold the teeth, which aids in chewing food and contributes to facial aesthetics. Though with treatment the aesthetic appearance may return to normal, the claimant's ability to bite hard food is restricted to about 50%.

9. Learned counsel for the respondents stated that the injuries sustained by her to the face will not come in the way of her employment and they have no impact on her working as such the tribunal has rightly not considered any disability. The doctor in his evidence clearly stated that petitioner's ability to bite hard food will be restricted to 50%. Therefore, she cannot consume the food properly and cannot work properly. Therefore, this Court finds it reasonable to take the disability as 10%. Hence, loss of future earning capacity comes to Rs.2,68,800/- (16,000 x12x14x10%).



10. The Tribunal has granted Rs.47,300/- towards medical expenses and the same is confirmed and this Court finds it reasonable to grant a sum of Rs.20,000/- towards transportation, extra nourishment and attendant charges.

11. She was admitted in the hospital for a period of 5 days. Tribunal already granted Rs.1,00,000/- towards discomfort, amenities and facial disfiguration the learned counsel for the respondents contended that the said amount is excessive as the disability was not considered by the tribunal. But considering the fact that she is the lady and sustained injuries to the face this Court finds it reasonable to confirm the said amount and the tribunal has granted reasonable amounts under the other heads and this Court finds no reason to interfere with the said order.

12. Thus in all, award of compensation passed by the Tribunal is modified as under:



Particulars	Amount in Rs.
Loss of future earning capacity	2,68,800.00
Towards Pain and sufferings	65,000.00
Towards loss of income during laid up period	46,500.00
Medical expenses	47,300.00
Loss of discomfort, amenities and facial disfiguration	1,00,000.00
Transportation, extra nourishment and attended charges	20,000.00
Total	5,47,600.00

13. Hence, the compensation is enhanced from Rs.2,78,800/- to Rs.5,47,600/- along with interest at 6% per annum from the date of petition till the date of deposit.

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



ORDER

- i. Appeal is ***allowed-in-part***.
- ii. The judgment and award dated 05.11.2024 passed in M.V.C.No.2270/2023 by the Motor Accident Claims Tribunal, Court of Small Causes, Bengaluru is modified;
- iii. The appellants are entitled to a sum of **Rs.5,47,600/-** along with interest at 6% p.a. from the date of petition till the date of realization as against **Rs.2,78,800/-**.
- iv. As the Insurance Company already deposited the awarded amount, respondent No.2 is directed to deposit the enhanced compensation of Rs.2,68,800/- with the interest at the rate of 6% per annum within one month from the date of this order.
- v. On such deposit, petitioner is permitted to withdraw the entire amount along with accrued interest.
- vi. Draw award accordingly.

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

TMP from paragraph Nos.1 to 08,
VS from paragraph Nos.09 to end.
List No.: 1 Sl No.: 49