



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 684 OF 2024 (MV-I)

BETWEEN:

1. THE RELIANCE GENERAL
INSURANCE COMPANY LIMITED
NO. 782, 2ND FLOOR, BALAJI ENCLAVE,
ABOUT BATA SHOWROOM,
16TH MAIN ROAD, 2ND STAGE,
BTM LAYOUT, BENGALURU 560075.

ALSO AT RELIANCE GENERAL
INSURANCE COMPANY LIMITED,
NO 28, 5TH FLOOR, SOUTHERN PORTION,
EAST WING, CENTENARY BUILDING,
M G ROAD, BENGALURU 560 001.
REPRESENTED BY MANAGER LEGAL.

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by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

(BY SRI. ASHOK N PATIL.,ADVOCATE)

...APPELLANT

AND:

1. SRI. SANTHOSH T.N.
S/O SRI NINGARAJU,
AGED ABOUT 38 YEARS,
RESIDING AT NO. 2588,
11TH MAIN ROAD, E BLOCK,



NC: 2026:KHC:16638
MFA No. 684 of 2024

2ND CROSS, RAJAJINAGAR,
BENGALURU 560010.

2. SRI KRUNAL K DHARAMSHI
S/O SRI KHUSHENDRA DHARAMSHI,
RESIDING AT PLOT NO. 9, FLAT NO. 10,
3RD FLOOR, BHORAS DELUE,
PALACE MODEL HOUSE STREET,
BASAVANAGUDI,
BENGALURU 560004.

...RESPONDENTS

(BY SRI. PUTTARAJA C P.,ADVOCATE FOR R1;

VIDE ORDER DATED 23.02.2024; NOTICE TO R2 D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 18.11.2023 PASSED IN MVC
NO.4297/2021 ON THE FILE OF THE XX ADDITIONAL SMALL
CAUSES JUDGE AND ACMM, BENGALURU, SCCH-22 AWARDDING
COMPENSATION OF RS.4,80,643/- WITH INTEREST AT 6
PERCENT P.A. FROM THE DATE OF PETITION TILL DEPOSIT OF
THE AMOUNT IN THE TRIBUNAL.

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 Insurance Company under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 18.11.2023 passed in MVC No.4297/2021 on the file of the XX Additional Small Causes Judge and ACMM, Bengaluru for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant/Insurance Company and learned counsel for respondent. 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 19.04.2018 and filed claim petition before the Tribunal for compensation of Rs.10,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.4,80,643/- 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, the



Insurance Company is in appeal contending that the complaint was registered five days after the accident and the Tribunal has granted compensation in a sum of Rs.2,00,000/- towards pain and suffering and loss of amenities which is on higher side.

4. It is stated that the petitioner/injured sustained only one fracture. He examined the doctor as PW.2, who assessed the disability at 14% to the whole body. The petitioner was an inpatient for 2 days, but the Tribunal has granted compensation of Rs.1,57,500/- towards loss of income during laid up period which is also on higher side. Thus requested for modification of the impugned judgment and award of the Tribunal.

5. The petitioner/injured was working as an Accountant, earning Rs.90,000/- per month. He also produced offer letter and bank statements under Exs.P.16 and P.17. The petitioner was aged 36 years at the time of accident. The petitioner examined the doctor as PW.2, who



stated that the nature of injuries sustained by the petitioner is as follows:

"closed mid distal third junction shaft fracture of left tibia"

The doctor further stated that due to the injuries the petitioner is unable to sit down and unable to sit in cross and unable to sit for a long time. The doctor assessed the disability at 14% to the whole body and the Tribunal has also considered the disability at 14%.

6. The injured in his cross-examination stated that presently he is earning Rs.90,000/- per month. The learned counsel stated that he is now terminated but the same was not because of the accident. Admittedly, he is not working and earning but the petitioner is not entitled for future earning capacity. The injured sustained one injury and therefore, Court finds it reasonable to grant a sum of **Rs.50,000/-** towards pain and suffering, **Rs.25,000/-** towards loss of amenities and **Rs.30,000/-** towards transportation, extra nourishment and attendant



charges. The injured has produced in 11 medical bills as per Ex.P.10. The Tribunal has granted a sum of **Rs.76,143/-** towards medical expenses and the same is confirmed. The injured might not have attended to any other work for a period of three months. Therefore, a sum of **Rs.52,500/-** is awarded towards loss of income during the laid-up period. The Tribunal has awarded **Rs.30,000/-** towards future medical expenses and this is confirmed.

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	76,143/-
3.	Towards loss of amenities	25,000/-
4.	Towards transportation, extra nourishment and attendant charges	30,000/-
5.	Towards loss of income during laid up period	52,500/-
7.	Towards future medical expenses	30,000/-
	Total	2,63,643



8. Hence, the petitioner is entitled for a total compensation of **Rs.2,63,643/-** 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 18.11.2023 passed in MVC No.4297/2021 on the file of the XX Additional Small Causes Judge and A.C.M.M., Bengaluru, is modified.
- iii. The petitioner is entitled to a sum of **Rs.2,63,643/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.4,80,643/- granted by the tribunal.
- iv. The Insurance Company is directed to deposit the total compensation of



Rs.2,63,643/- 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.

Sd/-
(P SREE SUDHA)
JUDGE

SA