



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.1192 OF 2022 (MV-I)

BETWEEN:

SRI. VINAY KUMAR S.
S/O SHIVALINGEGOWDA,
AGED ABOUT 27 YEARS,
R/AT NO.1, KAMMASANDRA VILLAGE,
GAJANUR, KASABA HOBLI,
MALAVALLI TALUK,
MANDYA-571 430.

...APPELLANT

(BY SRI. SHRIPAD V. SHASTRI, ADVOCATE)

AND:

1. BOPANNA C. N.
S/O NANJAPPA C. K.,
MALAVALLI TOWN,
MANDYA TALUK, MANDYA DISTRICT.

2. UNITED INDIA INS. CO. LTD.,
REGIONAL OFFICE,
5TH AND 6TH FLOORS,
KRISHI BHAVAN, HUDSON CIRCLE,
OPP. BBMP HEAD OFFICE,
NRUPATHUNGA ROAD,
BENGALURU-560 001.

...RESPONDENTS

(BY SRI NIKHIL, ADV. FOR
MISS. GEETA RAJ, ADVOCATE FOR R2;
V/O DATED 16.02.2022, NOTICE TO R1 DISPENSED WITH)





THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO MODIFY AND ENHANCE THE COMPENSATION FROM RS.11,61,449/- TO RS.16,00,000/- BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL, COURT OF SMALL CAUSES, BANGALORE, (SCCH-25), IN MVC: 1729/2021, DATED 23.11.2021, WITH COST AND INTEREST.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

This appeal is the outcome of the order that is rendered by Motor Accident Claims Tribunal, Bengaluru in MVC No.1729/2021 dated 23.11.2021. This is a claimant's appeal.

2. On the ground that he sustained grievous injuries in a road traffic accident that occurred in the year 2021, appellant filed a petition claiming compensation. Tribunal through the impugned order held that, appellant is entitled to a sum of Rs.11,61,500/- as compensation. Projecting that he is entitled to a higher sum, this appeal is filed.

3. Heard Sri.Shripad V. Shastri, learned counsel for the appellant as well as Sri.Nikhil, who represents



Ms.Geetha Raj, learned counsel on record for respondent No.2.

4. The submission that is made by learned counsel for the appellant is that, appellant sustained grievous injuries and took extensive treatment by getting admitted into hospital several times. Appellant could not move from bed for seven months. Tribunal, without considering the nature of injuries sustained and the disability with which the appellant is left with, awarded meager compensation under all heads and therefore this appeal is filed. Learned counsel thereby seeks to pass necessary orders modifying the sum awarded as compensation by the Tribunal.

5. On the other hand, learned counsel who represents respondent No.2 states on this day that Tribunal awarded exorbitant sum as compensation and it has taken the notional income of the appellant on higher side and thus, the appeal is not maintainable.



6. As per the version of the appellant, as an agriculturist, milk vendor and sericulturist, he was earning Rs.25,000/- per month by the date of accident. Tribunal, perceiving the fact that appellant was aged around 26 years as on the date of accident and considering his occupation, took the notional income of the appellant as Rs.17,000/- per month. Findings given in that regard or in respect of any other aspects are not challenged by respondent No.2 by filing an appeal. That apart, decision taken by the Tribunal in respect of ascertaining the notional income of the appellant is justifiable.

7. By all the evidence that is brought on record, appellant established that he sustained compound fracture type-III of both bones of left leg, which is grievous in nature. He also established that he took treatment for the said injury by getting admitted into hospital on three different occasions and during the time of admission, he underwent split skin grafting, external fixator removal and Ilizarov application. As per the evidence of PW.2, there is



non-union of the fracture at two levels. PW.2 assessed the disability in respect of lower limb as 52.55% and 26.28% in respect of whole body. Tribunal took the functional disability in respect of whole body as 15%. Said assessment requires no interference. However, having considered the occupation of the appellant and the disability with which he is left with including non-union of the fracture at two levels, this Court is of the view that future prospects are required to be added. Thus, on taking the notional income of the appellant as Rs.17,000/- per month, adding 40% towards future prospects as the appellant was aged around 26 years as on the date of accident, applying appropriate multiplier '17' and the disability in respect of whole body as 15%, compensation which the appellant is entitled to receive towards loss of future earnings comes to Rs.7,28,280/- (Rs.17,000 x 12 + 40% x 17 x 15%).

8. By all the evidence produced, appellant established that between March 2021 and August 2021, he



got admitted into hospital thrice and underwent surgical procedure. Therefore, this Court is of the view that appellant could not have attended his normal pursuits at least for a period of seven months. Thus, loss of earnings during laid up period comes to Rs.1,19,000 (Rs.17,000x7).

9. Further, considering the totality of evidence produced, this Court is of the view that justifiable sum which appellant is entitled to receive under different heads is as under:

Sl. No	Description	Amount (in Rs.)
1.	Towards pain and suffering.	60,000/-
2.	Towards medical expenses	5,17,249/-
3.	Loss of earning during laid up period.	1,19,000/-
4.	Towards loss of future earnings	7,28,280/-
5.	Towards loss of amenities in life	25,000/-
6.	Towards food, extra nourishment, attendant and conveyance charges	35,000/-
7.	Towards future medical expenses	20,000/-
	Total	15,04,529/-



10. Tribunal through the impugned order held that appellant is entitled to a sum of Rs.11,61,500/- as compensation. However, the discussion that went on supra makes it clear that appellant is entitled to a sum of Rs.15,04,529/-. Therefore, appeal is disposed of with the following:

ORDER

- (i) Appeal is *allowed in part*.
- (ii) The compensation that is granted by the Motor Accident Claims Tribunal, Bengaluru through orders in MVC No.1729/2021 dated 23.11.2021 is enhanced from Rs.1161,500/- to Rs.15,04,529/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% p.a. from the date of petition till the date of deposit.
- (iv) Respondent No.2 is directed to deposit the enhanced sum within a period of eight



weeks from the date of receipt of certified copy of this judgment.

- (v) On such deposit, appellant is permitted to withdraw the entire amount.

In the light of the disposal of appeal, the proceedings in I.A. No.1/2026 are closed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 19 SI No.: 1
CT:SI