



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 2978 OF 2020 (MV-I)

BETWEEN:

KRISHNAPPA
S/O LATE MARAPPA
AGED ABOUT 57 YEARS
R/AT NO.45, GIDDENAHALLI ROAD
MAHIMANNINA PALYA
KADABAGERE BANGALORE - 560 032.

...APPELLANT

(BY SRI P. SURESH, ADV.)

AND:

1. UNITED INDIA INSURANCE CO LTD
BENGALURU REGIONAL OFFICE
T.P. HUB, KRISHI BHAVAN BUILDING
6TH FLOOR, NRUPATHUNGA ROAD
NEAR HUDSON CIRCLE
BANGALORE - 560 001
REPT BY ITS IN CHARGE MANAGER.
2. MAHAMADA RAPHIK S ATTAR
MAJOR IN AGE
SAIKALAGAR ONI RANNEBENNUR TQ
HAVERI - 581 213
(OWNER OF THE VEHICLE)
3. BHAGYAMMA
D/O HATTIGOWDA
MAJOR IN AGE
R/AT NO.444, 7TH CROSS
OPP RASHI RESIDENCY
PADMAVATHI SEEGEHALLI
KODIGEHALI, BANGALORE - 560 001.

...RESPONDENTS

(BY SRI B.C. SHIVANNE GOWDA, ADV., FOR R-1;
NOTICE TO R-2 & R-3 ARE DISPENSED WITH





V/O DTD:24.03.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED. 17.10.2019, PASSED IN MVC NO.4918/2018, ON THE FILE OF THE XXI AND XI ADDITIONAL SMALL CAUSES AND ADDITIONAL MACT, BENGALURU (SCCH-23), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the injured-claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 17.10.2010 passed in MVC No.4918/2018 by the Court of XXI & XI Addl. Small Causes & Addl. MACT, Bengaluru (SCCH-23), (for short, 'Tribunal').

2. Though this appeal is listed for orders, with consent of the learned counsel for the parties, it is taken up for final disposal.

3. Sri P.Suresh, learned counsel for the appellant submits that the Tribunal has committed a grave error in



assessing the income and disability of the injured appellant contrary to the evidence on record. It is submitted that award of compensation by the Tribunal under the head of loss of amenities, loss of income during laidup period is meager, and no compensation is awarded under the head - conveyance, food, attendant's charges, etc., which is included in the medical bills which is impermissible. Hence, he seeks to enhance the compensation appropriately by allowing the appeal.

4. *Per contra*, Sri Shivanne Gowda, learned counsel for respondent No.1 supports the impugned judgment and award of the Tribunal and submits that the appellant has failed to produce any evidence regarding income. It is submitted that PW-3 has deposed that disability is at 38%. However, he has not spoken with regard to whole body disability. Hence, the Tribunal was justified in assessing disability at 20%. It is further submitted that award of compensation by the Tribunal on



all other heads is just and proper and there is no scope for interference. Hence, he seeks to dismiss the appeal.

5. I have heard the arguments of the learned counsel for the appellant, the learned counsel for the respondent and meticulously perused the material available on record.

6. The only point that would arise for consideration in this appeal is:

"Whether the impugned judgment and award passed by the Tribunal calls for any interference?"

7. The parties to the proceedings do not dispute that in a road accident dated 27.03.2018, the appellant had sustained grievous injuries and he was provided treatment at Sri Lakshmi Multi Speciality Hospital, Bengaluru. In order to prove the claim, the injured examined himself as PW-1 and also got examined PW-3 -



Neurosurgeon and got marked Exs.P-1 to P-20 in his evidence.

8. The Tribunal assessed the income of the appellant at Rs.9,000/- per month and assessed the disability at 20%. In so far as the income of the injured is concerned, admittedly no proof of income is placed on record. Hence, his income is re-assessed at Rs.12,500/- per month placing reliance on the notional income chart prepared by KSLSA.

9. In so far as the disability is concerned, the injured has got examined PW-3 - Dr. Srihari, Neurosurgeon, who has categorically stated that the appellant has sustained the following injuries:

"Bone deep laceration over right forehead measuring 3 x 2 cms. CT head shows right parietal SDH & SAH with nasal bone fracture. Laceration over upper lip measuring 2 x 1 cms and abrasion over right knee joint measuring 2 x 2 cms."



10. The oral testimony of PW-3 and the wound certificate at Ex.P-6 indicate the aforesaid injuries. The appellant was an inpatient for a period of 10 days and post discharge also underwent treatment. Considering the nature of injury suffered and treatment provided, I am of the considered opinion that ends of justice would be met if the disability is assessed at 22% to the whole body for the purpose of determination of compensation.

11. Having re-assessed the income and disability and taking note of the fact that the appellant has suffered head injury and provided treatment, the compensation under all the heads are required to be re-assessed, and accordingly they are re-assessed as under:

HEADS	AMOUNT (in Rs.)
Loss of future income (12,500/- x 12 x 11 x 22%)	3,63,000/-
Pain & suffering	50,000/-
Loss of income during laid up period (12,500/- x 3)	37,500/-
Medical Expenses	1,75,000/-
Future medical expenses	10,000/-



Loss of amenities	40,000/-
Food, nourishment, attendant charges, etc.	25,000/-
Total	7,00,500/-

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.7,00,500/-** as against Rs.5,24,600/- awarded by the Tribunal.

12. In the result, this Court proceeds to pass the following:

ORDER

- a) The appeal is ***allowed in part.***
- b) The impugned judgment and award dated 17.10.2010 passed by the Tribunal in M.V.C.No.4918/2018 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.7,00,500/-** as against Rs.5,24,600/- awarded by the Tribunal.
- c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.



- d) The respondent-Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of the certified copy of this judgment.
- e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

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List No.: 1 Sl No.: 3