



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 58 OF 2016 (MV-I)

BETWEEN:

SRI JAPULA MANSINGH
@ RAMANNA @ RAMNAIK.A
S/O SRI. ANAND,
AGE: 55 YEARS,
OCC: BOOKS VENDOR,
R/O NO.38/3, 1ST MAIN ROAD,
CHIKKAMUNIYAPPA GARDEN,
YALAHANKA OLD TOWN,
BENGALURU-560 064

OLD ADDRESS:
R/AT NO.4-431, PEDDA SHAPUR,
SHAMSHABAD, RR DISTRICT,
RAJENDRANAGAR, RANGAREDDY DISTRICT
ANDHRA PRADESH.



...APPELLANT

(BY SRI. SURESH M LATUR., ADVOCATE)

AND:

1. MRS MUMTAZ
W/O MR. AJAZ
R/O NO.252, APPORVA BUILDING,
B.E.T COLLEGE, R.M. NAGAR
BENGALURU-560 016.
2. THE MANAGER



BAJAJ ALLIANZ GEN. INSURANCE CO.LTD,
GOLDEN HEIGHTS, 4TH BLOCK,
NO.1/2, 59TH CROSS, 4TH BLOCK,
RAJAJINAGAR,
BENGALURU-560 010.

...RESPONDENTS

(BY SRI. D VIJAYAKUMAR., ADVOCATE FOR R2,
V/O DTD 31.08.2017 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 01.10.2015 PASSED IN MVC
NO.4305/14 ON THE FILE OF THE 3RD ADDITIONAL SENIOR
CIVIL JUDGE, COURT OF SMALL CAUSES, BENGALURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON
12.02.2026 COMING ON FOR PRONOUNCEMENT OF JUDGMENT
THIS DAY, **P SREE SUDHA J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA



CAV JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 01.10.2015 passed in MVC No.4305/2014, seeking enhancement of compensation.

2. Heard the arguments of learned counsel for the appellant and learned counsel for respondent No.2/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 30.09.2014 and filed claim petition claiming compensation of Rs.8,00,000/-. It is the contention of the petitioner that the Tribunal without properly considering the evidence on record granted compensation of Rs.1,12,000/- under various heads with interest at the rate of 9% p.a., from the date of petition till the date of deposit and fastened the liability on respondents No.1 and 2, being the owner and insurer of the offending vehicle and directed to the insurance company to deposit the compensation. Being aggrieved by the said order, this appeal is filed.



4. Heard arguments on both sides i.e., the petitioner/claimant and the Insurance Company.

5. The learned counsel for the petitioner contented that, the petitioner sustained grievous injuries in the accident. At the time of accident, the petitioner was aged about 54 years, working as a Book Vendor and was earning Rs.15,000/- p.m. but the Tribunal has taken the income at Rs.8,000/- p.m. on the ground that the petitioner has not produced sufficient material in respect of income proof. Accident is of the year 2014 and therefore, income can safely be taken at Rs.8,500/- per month.

6. On perusal of records, it is seen that the petitioner has sustained fracture of ribs 9th and 10th left side and the said injuries are grievous in nature. The manner in which the accident has occurred as per the records reveals that, when the petitioner was riding the TVS XL bearing Reg.No.KA-50-H-4531 from LRDA towards Maharani College and when he reached near Basaveshwara signal, at that time, the rider of the Honda Dio bearing reg.No.KA-03-HV-7495, driving the vehicle in a rash and negligent manner, dashed against the petitioner's



vehicle. However, respondent No.1-owner of the *Honda Dio* vehicle in her counter has stated that the petitioner was riding his vehicle in a negligent manner without observing the signals and the petition is bad for non-joinder of necessary parties i.e., insurer of petitioner's vehicle. Respondent No.2, insurer of *Honda Dio* vehicle has also contended that the accident occurred due to the rash and negligent riding of the TVS XL vehicle by the petitioner. However, the plea of contributory negligence has not been raised by both parties. Case was registered against the rider of the *Honda Dio* vehicle and police have also filed charge sheet against rider of the aforesaid vehicle and he has appeared before the MMTC Court admitting guilt and paid fine and from the perusal of the copy of the MLC extract-Ex.P.18, on the day of accident itself the concerned hospital authority has sent intimation to the concerned police. However, complaint came to be lodged 3 days after the accident for which no reasons are assigned by the petitioner. Further, the petitioner has not examined the doctor who had treated him to prove that, due to the injuries sustained by him, his earning capacity has been affected and therefore, the



Tribunal has not awarded compensation under the head loss of future income, which in my view, is just and proper.

7. The learned counsel for the appellant/petitioner during the course of his argument vehemently contended, based on the fact that, as amendment has been brought in to Section 163-A of the Motor Vehicles Act, 1988 with effect from 22.5.2018 fixing the compensation at Rs.2,50,000/-, retrospectively, in case of injuries, the petitioner herein would be entitled to compensation of Rs.2,50,000/- and in support of his contention has relied upon the judgments of the Hon'ble Apex Court in **Ram Murti and others vs. Punjab State Electricity Board** reported in **2023 ACJ 631** wherein it is held as follows :

"The provision of section 140 which formed a part of Chapter X of the Motor Vehicles Act, 1988 were omitted by Act 32 of 2019. Simultaneously Chapter XI was substituted of which section 164 provides for payment of compensation in the case of death in the amount of Rs.5,00,000/- and in case of grievous hurt of Rs.2,50,000/-"

and submitted that, as the present case pertains to sustaining grievous injuries by the petitioner in the road traffic accident,



application is filed under Section 164 of the Act claiming Rs.8,00,000/- but the Tribunal has granted Rs.1,12,000/- with interest at 9% p.a., which is incorrect and submits that as per the aforesaid judgment, granting compensation at Rs.2,50,000/- to the petitioner would be just and proper.

8. Learned counsel for respondent No.2/Insurance Company opposes the same on the ground that the aforesaid amendment to the MV Act came into effect in the year 2019 but the accident occurred in the year 2014 and it is not retrospective in effect.

9. In answer to the aforesaid contention, learned counsel for the petitioner relied on another judgment of the Hon'ble Apex Court in the case of **New India Assurance Co.Ltd. vs. Urmila Halder** reported in **2025 ACJ 244** wherein it was contended by the learned counsel for the Insurance Company therein that, the accident occurred in the year 2004 and amendment was with effect from 22.05.2018. The Insurance Company argued that they have deposited the amount in view of the amendment but still it was held that the procedural amendment has to be given retrospective effect.



9.1. The learned counsel for the claimant therein contended that, it is merely a procedural amendment which has to be given retrospective effect and it is nothing substantive so as to affect the merits of the issue.

9.2. The Apex Court having considered the matter observed that *"we do not find any reason to interfere with the judgment impugned"* and has held as under :

"a beneficial legislation would necessarily entail the benefit to be passed on to the claimant in the absence of any specific bar to the same. In the present case, the liability of the appellant insurance company has not been interfered with."

and further answered in the *affirmative* to the point, *"whether amendment in Section 163-A would relate to an accident occurring prior to its coming into force and High Court was justified in its award?"* and further held that, *Section 163-A was amended w.e.f. 22.5.2018 fixing compensation of Rs.5,00,000/- in case of death and Rs.2,50,000/- in case of injuries to the claimant.*

10. On hearing the learned counsel for the appellant/claimant and on perusal of the judgments in support



thereof and considering that, amendment has been brought into Section 163-A of the Motor Vehicles Act, 1988 with effect from 22.5.2018 fixing the compensation at Rs.2,50,000/-, retrospectively, in case of injuries, the claimant herein would be entitled to enhanced compensation of Rs.1,38,000/- (Rs.2,50,000 minus Rs.1,12,000/- awarded by the Tribunal);

11. Hence, the following :

ORDER

- i) The appeal is allowed in part;
- ii) The judgment and award passed by the Tribunal in MVC No.4305/2014 dated 01.10.2015 is modified;
- iii) The appellant/claimant is entitled to the enhanced compensation of Rs.1,38,000/- with interest at the rate of 6% p.a.
- iv) The Insurance Company is directed to deposit the enhanced compensation of Rs.1,38,000/- along with interest at 6% p.a. within one month, from the date of this order;



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v) On such deposit, the claimant is entitled to withdraw the enhanced compensation with accrued interest.

Sd/-
(P SREE SUDHA)
JUDGE

RS
List No.: 1 Sl No.: 74