



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.3096 OF 2021(MV-I)

BETWEEN:

MISS SYED ZAIBA ANJUM
D/O. SYED SHAFIULLA
AGED ABOUT 22 YEARS,
R/O #10/10, OPP TO AT ANTHONY'S CHURCH,
N.P.ROAD, KAVAL BYRASANDRA,
R.T.NAGARA POST,
BENGALURU-560032

...APPELLANT

(BY SRI. RAMESH KUMAR R. V., ADVOCATE)

AND:

1. SRI. THIMMAIAH T. S.
S/O. LATE SUGAPPA,
AGED ABOUT 48 YEARS,
R/O SACHETH, 2ND CROSS,
SRINIDHI LAYOUT, SAPTHAGIRI EXT.,
TUMAKURU-572192.





2. THE MANAGER

M/S. RELIANCE GEN. INSURANCE CO. LTD.,
5TH FLOOR, CENTENARY BUILDING,
WEST WING, M.G.ROAD,
BENGALURU - 560025.

...RESPONDENTS

(BY SRI. D. VIJAYKUMAR, ADVOCATE FOR R2;
R1 NOTICE D/W V/O DATED 16.06.2022)

THIS M.F.A. IS FILED U/S. 173(1) OF M.V. ACT AGAINST
THE JUDGMENT AND AWARD DATED 11.10.2019 PASSED IN
M.V.C. NO.216/2017 ON THE FILE OF THE VI ADDITIONAL
DISTRICT JUDGE AND SESSIONS JUDGE, TUMAKURU, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR PART HEARD IN
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS
UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri.Ramesh Kumar R.V., learned counsel for the appellant who appears before this Court physically. Also heard Mr. D.Vijaykumar, learned counsel for respondent No.2 who appears through video conference.

2. This appeal is the outcome of the award that is passed by the Motor Accident Claims Tribunal, Tumakuru in M.V.C.No.216/2017 dated 11.10.2019. This is a claimant's appeal.

3. On the ground that she sustained grievous injuries in a road traffic accident that occurred in the year 2017 and became permanently and completely disabled, appellant filed a petition seeking compensation of Rs.10,00,000/- in total. The Tribunal through the impugned order, held that the appellant is entitled to a sum of Rs.5,00,000/- towards compensation. The version of the appellant is that compensation granted is on the lower side.



4. Arguing the matter, learned counsel for the appellant submits that, the Tribunal erroneously took the notional income of the appellant as Rs.6,000/- per month. Learned counsel contends that the accident occurred in the year 2017 and for the relevant period, for settlement of claims, the Karnataka State Legal Services Authority is taking the notional income as Rs.11,000/- per month and at least the said figure should have been considered by the Tribunal. Learned counsel also states that compensation granted by the Tribunal under all other heads is also on lower side.

5. On the other hand, learned counsel for respondent No.2 states that the disability in respect of whole body under no circumstances be more than 10%. But the Tribunal took the disability in respect of whole body as 15%.

6. The Tribunal having perceived the fact that as per the evidence of PW.2, the permanent partial disability in respect of left leg is 30% and right upper limb is 15%,



took the disability in respect of whole body as 15%. This requires no interference. Considering the submission that is made by learned counsel for the appellant, this Court is of the view that the notional income of the appellant is required to be taken as Rs.11,000/- per month. Thus on taking the notional income of the appellant as Rs.11,000/- per month and without disturbing the other parameters i.e., application of appropriate multiplier 18 and the disability in respect of whole body as 15%, the compensation which the appellant is entitled to receive towards 'loss of future earnings' comes to Rs.3,56,400/- ($\text{Rs.11,000} \times 12 \times 18 \times 15\%$). The Tribunal held that appellant is entitled to a sum of Rs.1,94,400/- as compensation towards 'loss of future earnings'. Thus the enhancement will be Rs.1,62,000/- ($\text{Rs.3,56,400} - \text{Rs.1,94,400}$) under the head 'loss of future earnings'. Compensation granted under all other heads by the Tribunal is justifiable and therefore, no further



enhancement is required. Therefore, the appeal is disposed of with the following:

ORDER

- i) The appeal is allowed in part.
- ii) Compensation that is granted by the Motor Accident Claims Tribunal, Tumakuru through orders in M.V.C. No.216/2017 dated 11.10.2019 is enhanced by Rs.1,62,000/-.
- iii) The enhanced sum shall carry interest at the rate of 6% per annum 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 8 weeks from the date of receipt of certified copy of the judgment.
- v) On such deposit, appellant is permitted to withdraw the entire amount.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**