

**MFA NO. 2587/2024 (MV - I - IA)**

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
[THE MANAGER VS. SRI N R MANJUNATH AND ANOTHER]

11.06.2026  
(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

**ORAL ORDER**

At the request of learned counsel for appellant, list this matter on 12.06.2026.

**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

KLV  
List No.: 1 SI No.: 52

This appeal is filed by the insurer challenging the Judgment And Award dated 04.08.2023 passed in MVC No.125/2022 by the Senior Civil Judge and JMFC, N.R. Pura, itinerate at Koppa.

2 Even though the appeal is listed for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent No.1, it is taken up for disposal.

3. The facts leading file of claim petition are as under:

- a) On 30.08.2020 at about 03.15 p.m. claimant was proceeding on a motorcycle bearing No.KA-18 8-EH-7736 to go to Sudur and when he was at Bhandya Gante Jnagal Tar road Koppa, the driver of Ashok Leyland Dosta bearing registration No.KA-14-B-4863 drove in rash and negligent manner and high speed and dashed to the claimant. Due to which, the claimant has sustained greivous injuries. The claimant took treatment for the said injuries by admitting in a hospital for fifty (50) days

and spent huge money and hence, the claimant made a claim petition.

- b) Respondent No.3 - Insurer filed statement of objections denying the accident and admitting issuance of insurance policy in the name of owner of Ashok Leyland goods vehicle and contended that, the driver was not holding the effective driving license and not qualified to drive the vehicle. The claimant is not entitled to claim any compensation.
- c) On the basis of said pleadings, the Tribunal as framed the following issues:
- "1. Whether petitioner proves that, he sustained injury in the accident occurred on 30.08.2020 at about 03.15 pm when petitioner proceeding in motor cycle bearing Reg.No.KA-18/EH-7736 to going to Sudur, near Bhandya Gante Janagal Tar Road, Koppa, met with an accident due to the rash and negligent driving of the 1<sup>st</sup> respondent being the driver of Ashok Leyland Dosta Bearing Reg.No.KA-14/B-4863?
  2. Whether petitioner is entitled for the compensation as prayed in the claim petition? If so, what is the quantum of compensation and from whom?
  3. What order or award?"

- d) The Tribunal has recorded evidence. The claimant has been examined as P.W.1 and got marked 155 documents as Ex.P1 to P155 and also examined one of the witness as P.W.2. The doctor has examines as C.W.1 and got marked four documents as C1 to C4. The respondents have not lead any oral or documentary evidence.
- e) The Tribunal after hearing on both sides and appreciating the evidence on record has awarded the compensation in different heads as under:

1	Pain and agony	Rs.	75,000/-
2	Loss of amenities of life	Rs.	50,000/-
3	Medical expenses	Rs.	68,680/-
4	Food, attendant, nourishment, conveyance and other incidental charges etc.,	Rs.	40,000/-
5	Loss of income during laid up period	Rs.	60,000/-
6	Loss of future income	Rs.	11,88,000/-
<b>TOTAL</b>		<b>Rs.</b>	<b>14,81,680/-</b>

- f) The Tribunal has also awarded interest at the rate of 9% per annum from the date of petition till realisation and directed respondent No.3 to pay compensation amount with interest.

Aggrieved by the said judgment and award, the insurer filed this appeal.

4. Heard the learned counsel for appellant/insurer and learned counsel for respondent No.1/claimant.

5. Learned counsel for appellant would contend that, the rash and negligent driving of the offending vehicle has not been established. The disability taken by the Tribunal at 55% is on higher side. The compensation awarded on all heads is on higher side. The interest awarded at the rate of 9% is on higher side and the tribunal has to award at the rate of 6%. With these, he prayed to allow the appeal.

6. Learned counsel for respondent No.1 would contend that, the Tribunal appreciating the evidence on record rightly held that the claimant has proved the rash and negligent driving of the driver of the offending vehicle. The Tribunal has also awarded just and fair compensation. He further submits that, as per the chart, the notional income for the year 2020 is Rs.14,500/- but the Tribunal

has taken the income at Rs.12,000/-. With these, he prayed for dismissal of the petition.

7. Having heard both the learned counsel for appellant and learned counsel for respondent No.1, the Court has perused the impugned judgment and award and trial Court records.

8. In order to prove the rash and negligent driving of the offending vehicle, the claimant has examined as P.W.2 who is one of the eye witness to the incident. P.W.2 has stated that the accident occurred due to rash and negligent driving of the driver of the offending vehicle. Ex.P5 is the charge sheet which indicates that, the charge sheet has been filed against the Tribunal of the offending vehicle. Considering the said aspect and the Tribunal has rightly held that the accident occurred due to rash and negligent driving of the driver of the lorry.

9. Since, the income of the claimant has not been established. The Tribunal has taken a notional income at Rs.12,000/- and applied multiplier by 15 and calculated the

loss of future income taking the disability at 55%. C.W.1 is the doctor who has stated in his evidence that, the disability of the claimant is 67% on the whole body. C.W.1 is the treated doctor. The Tribunal has taken the disability at 55%. The claimant is a labourer/coolie. Considering the said aspect, the Tribunal is justified in taking the disability at 55% on the whole body.

10. There are two fractures and the claimant underwent operation wherein inplant \_\_\_\_\_. Considering the said aspect, the Tribunal has rightly awarded pain and sufferings in a sum of Rs.75,000/-, loss of amenities at Rs.50,000/-. The claimant has been admitted to hospital for 67 days and considering the same, the Tribunal has rightly awarded towards food, attendant and conveyance charges etc. in a sum of Rs.40,000/- and loss of income during laid up period in a sum of Rs.60,000/-

**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

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