



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**MISCELLANEOUS FIRST APPEAL NO. 303 OF 2021 (MV-I)**

**C/W**

**MFA CROSS OBJECTION NO. 65 OF 2021 (MV-I)**

**IN MFA No. 303/2021**

**BETWEEN:**

THE RELIANCE GENERAL  
INSURANCE COMPANY LIMITED,  
UNNATHI ARCADE, 1<sup>ST</sup> BLOCK,  
DR. RAJKUMAR ROAD,  
RAJAJINAGARA,  
BENGALURU - 560 010.

ALSO AT THE RELIANCE GENERAL  
INSURANCE COMPANY LIMITED,  
EAST WING, 5<sup>TH</sup> FLOOR, NO.28,  
CENTENARY BUILDING, M.G.ROAD,  
BENGALURU - 560 001.

NOW REPRESENTED BY  
MANAGER LEGAL

...APPELLANT

(BY SRI. ASHOK N PATIL, ADVOCATE)

**AND:**

1. SHARATH B.J.,  
S/O JAVARAIHAH,  
AGED ABOUT 25 YEARS,  
R/AT BELAGOLA VILLAGE,  
SRIRANGAPATTANA TALUK,  
MANDYA DISTRICT - 571 606.



2. AMARNATHA,  
S/O GOVINDEGOWDA,  
MAJOR,  
R/AT NO.328,  
PALAHALLI VILLAGE,  
SRIRANGAPATTANA TALUK - 571 438.

...RESPONDENTS

(BY SRI. G.V. CHANDRASHEKAR, SENIOR ADVOCATE FOR  
MS. APEKSHA D., ADVOCATE FOR R1)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,  
AGAINST THE JUDGMENT AND AWARD DATED:24.09.2019  
PASSED IN MVC NO.433/2018 ON THE FILE OF THE PRL.  
SENIOR CIVIL JUDGE AND MEMBER, MACT, SRIRANGAPATNA,  
AWARDING COMPENSATION OF RS.5,61,000/- WITH INTEREST  
AT 9 PERCENT P.A. FROM THE DATE OF PETITION TILL THE  
DATE OF DEPOSIT.

**IN MFA.CROB NO. 65/2021**

**BETWEEN:**

SHARATH B.J.,  
S/O JAVARAIAH,  
AGED ABOUT 25 YEARS,  
R/AT BELAGOLA VILLAGE,  
SRIRANGAPATNA TALUK,  
MANDYA DISTRICT - 571 606.

...CROSS OBJECTOR

(BY SRI. G.V. CHANDRASHEKAR SENIOR ADVOCATE FOR  
MS. APEKSHA D., ADVOCATE)

**AND:**

1. THE RELIANCE GENERAL  
INSURANCE COMPANY LIMITED,  
UNNATHI ARCADE, 1<sup>ST</sup> BLOCK,  
DR RAJKUMAR ROAD  
RAJAJINAGARA,  
BENGALURU - 560 010.



ALSO AT  
THE RELIANCE GENERAL  
INSURANCE COMPANY LIMITED,  
EAST WING, 5<sup>TH</sup> FLOOR,  
NO.28, CENTENARY BUILDING,  
M.G. ROAD,  
BENGALURU - 560 001.  
NOW REP BY MANAGER LEGAL

2. AMARNATHA,  
S/O GONVINDEGOWDA,  
AGED MAJOR,  
R/AT NO.328,  
PALAHALLI VILLAGE,  
SRIRANGAPATTANA TALUK - 571 438.

...RESPONDENTS

(BY SRI. ASHOK N PATIL., ADVOCATE  
VIDE ORDER DATED 02.04.2025 NOTICE TO R2  
IS DISPENSED WITH)

THIS MFA CROB IS FILED UNDER ORDER.41 RULE 22  
OF THE CPC, R/W SEC.173(1) OF THE MV ACT, AGAINST  
THE JUDGMENT AND AWARD DATED:24.09.2019 PASSED  
IN MVC NO.433/2018 ON THE FILE OF THE PRL. SENIOR  
CIVIL JUDGE AND MEMBER, MACT, PARTLY ALLOWING THE  
CLAIM PETITION FOR COMPENSATION AND SEEKING  
ENHANCEMENT OF COMPENSATION.

THIS APPEAL AND CROSS OBJECTION ARE COMING ON  
FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN  
AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF



**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These appeals being MFA.No.303/2021 and MFA.CROB.No.65/2021 by the insurer and claimant, calling in question the judgment and award dated 24.09.2019 in MVC.No.433/2018 passed by the Principal Senior Civil Judge and Motor Accident Claims Tribunal, Srirangapatna<sup>1</sup>. The Tribunal under the impugned judgment and award, granted compensation of Rs.5,61,000/- with interest @ 9% per annum from the date of petition till the date of deposit. The Insurer is on the ground of liability and on exorbitant interest granted by the Tribunal and the claimant is on quantum.

2. The parties are referred to as per their rankings before the Tribunal.

3. The facts germane to file of the appeal as well as cross objection are as under:

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<sup>1</sup> Tribunal



In an accident occurred on 07.02.2018, the injured-claimant suffered grievous injuries due to the actionable negligence and driving by the driver of Auto rickshaw. The claimant for the injuries suffered preferred claim petition seeking Rs.21,60,000/- as compensation.

4. In response to the notice, respondent No.1 despite service of notice remained unrepresented and placed *ex-parte*. Respondent No.2-Insurer appeared through its counsel and filed its statement of objections. Besides denying the claim petition averments, laid a specific defence that the driver of the offending vehicle was not possessing effective and valid driving licence, further that there is no special authorization by the Transport Authority in the driving licence.

5. The Tribunal after considering the entire material, answered both the issues against the appellant-Insurer and passed the judgment and award, thereby granting compensation of Rs.5,61,000/- with interest @



9% per annum from the date of petition till the date of deposit under various heads. It is this judgment and award passed by the Tribunal is called in question by the Insurer as well as claimant.

6. Sri.Ashok N.Patil, learned counsel appearing for the Insurer and Sri.G.V.Chandrasekhar, learned Senior counsel for Ms. Apeksha.D, learned counsel for the claimant.

7. Sri.Ashok N.Patil, fairly submits that in view of the law laid down by the Supreme Court in **MUKUND DEWANGAN VS. ORIENTAL INSURANCE COMPANY LIMITED<sup>2</sup>**, the contention of the Insurer on liability with respect to the license of the driver no more survives for consideration. However, he submits that the interest awarded by the Tribunal at the rate of 9% per annum is exorbitant and contended that, no exceptional case has

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<sup>2</sup> (2017) 14 SCC 663



been made out by the claimant for awarding such a higher rate of interest.

8. In response, Sri.G.V.Chandrasekhar, learned Senior counsel is not in dispute with the contention of Insurer on the interest component.

9. In these circumstances, the appeal by the Insurer on the ground of liability is liable to be dismissed. However, the appeal is allowed in respect to reducing interest from 9% to 6%. Accordingly, the appeal filed by the Insurer is ***allowed in part.***

10. So far as Cross-objection is concerned Sri.G.V.Chandrasekhar, learned Senior counsel taking us through the judgment submits that the injured-claimant suffered injury to the nose which has been extracted in paragraph No.30 of the Judgment and submits that as per the Doctor's evidence, the injury to the nose has resulted in disability of 42.5% and with respect to other injuries it is 6% and total disability suffered is 48.5%. The Tribunal



has failed to consider the injuries and disability suffered while deducting 1/3<sup>rd</sup> of the total disability. In that view of the matter, he submits to consider higher percentage of disability.

11. Sri Ashok N.Patil is not in dispute with regard to the disability suffered, though he made a feeble attempt to contend that the Tribunal has properly taken the disability at 15%. But he is not in serious dispute with the argument of learned Senior counsel. In consideration of the same, we feel it appropriate to take the disability at 25% in place of 15%. Admittedly, the accident had occurred in the year 2018. The claimant was working as a driver as per Ex.P10- Notarized copy of DL, the Tribunal has considered the income at Rs.7,000/- per month. As per the chart prepared by Karnataka State Legal Services Authority, the income for the year 2018 is at Rs.12,500/-. Considering the fact that the claimant was a driver, as on the date of accident, we deem it proper to consider the income at the rate of Rs.500/- per day and consider the monthly income



at Rs.15,000/- p.m. In view of taking higher rate of disability and income, the compensation awarded under the head 'Loss of future earning' as well as 'Loss of income during laid up period' requires re-determination and re-assessment, as the compensation awarded other heads are just and proper, we proceed to reassess the compensation which is as follows:

| Sl. No. | Heads                                                | Compensation awarded by the Tribunal In Rs. | By this Court In Rs.                     |
|---------|------------------------------------------------------|---------------------------------------------|------------------------------------------|
| 1.      | Pain and sufferings                                  | 35,000-00                                   | 35,000-00                                |
| 2.      | Loss of amenities                                    | 30,000-00                                   | 30,000-00                                |
| 3.      | Loss of future income                                | 2,33,000-00                                 | <b>8,10,000-00</b><br>(15,000x12x18x25%) |
| 4.      | Attendant, nourishment and conveyance charges        | 13,000-00                                   | 13,000-00                                |
| 5.      | Loss of income during laid up period and rest period | 25,000-00                                   | <b>45,000-00</b><br>(15,000x3)           |
| 6.      | Medical expenses                                     | 1,90,000-00                                 | 1,90,000-00                              |
| 7.      | Future medical expenses                              | 35,000-00                                   | 35,000-00                                |
|         | <b>TOTAL</b>                                         | <b>5,61,000-00</b>                          | <b>11,31,000-00</b>                      |

12. Accordingly the claimant is entitled for re-determined compensation of Rs.11,31,000/- as against Rs.5,61,000/- awarded by the Tribunal. The re-determined compensation shall carry interest at the rate of 6% per



annum. For the foregoing reasons, we proceed to pass the following:

ORDER

- (i) MFA.No.303/2021 by the insurer is ***allowed in part*** only with respect of reducing interest from 9% to 6% per annum. In all other aspects, the appeal by the Insurer is ***dismissed***.
- (ii) The amount in deposit in the appeal by the Insurer shall be transmitted to the concerned Tribunal for disbursement.
- (iii) MFA.Crob.65/2021 filed by the claimant for enhancement is ***allowed in part***.
- (iv) The compensation is re-determined from Rs.5,61,000/- to Rs.11,31,000/- which shall carry interest at the rate of 6% per annum from the date of petition till realization.
- (v) The Insurer shall deposit entire re-determined compensation along with



accrued interest supra before the concerned Tribunal within six weeks from the date of receipt of copy of this order.

(vi) Upon deposit, 50% of the amount shall be released in favour of the claimant on proper identification and remaining 50% with interest shall be deposited in any interest bearing FDR with any National Bank for a period of three years. The Bank shall not permit any loan on the fixed deposit without there being any order by the Tribunal or Court.

(vii) No order as to cost.

**Sd/-**  
**(D K SINGH)**  
**JUDGE**

**Sd/-**  
**(T.M.NADAF)**  
**JUDGE**

RR  
List No.: 1 Sl No.: 14  
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