



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 2337 OF 2019 (MV-I)

BETWEEN:

SRI RAGHAVENDRA H.R
AGED ABOUT 32 YEAR,
S/O RAMASWAMY
NEAR WATER TANK
HANUMANAHALLI
HOLENARASIPURA
HASSAN - 573 211
KARNATAKA.

...APPELLANT

(BY SRI CHETHAN B.R, ADV.)

AND:

1. MAHBOOBPASHA M
S/O SIKANDER
R/AT NO.76, KONASANDRA
HEMMIGEPUA
BENGALURU - 560 060.
2. UNITED INDIA INSURANCE CO LTD.,
NO.40, LAKSHMI COMPLEX
K.R. ROAD FORT
BENGALURU - 560 002.

...RESPONDENTS

(BY SRI B.L. SANTHOSH, ADV., FOR
SRI C. SHANKAR REDDY, ADV., FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED. 07.12.2018 PASSED IN MVC NO.7784/2016 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE AND MACT, BENGALURU (SCCH-11), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.





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

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

ORAL JUDGMENT

This appeal is by the injured claimant challenging the judgment and award dated 07.12.2018 passed in MVC No.7784/2016 by the Court of I Addl. Small Causes Judge and Motor Accident Claims Tribunal, Bengaluru (SCCH-11), (for short, 'Tribunal').

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

3. Heard Sri Chethan.B.R., learned counsel for the appellant and Sri C.Shankar Reddy, learned Counsel for respondent no.2.

4. The appellant met with a road traffic accident on 08.10.2016 and he was provided treatment at Apollo BGS Hospital, Mysuru. In order to prove the claim, the appellant examined himself as PW-1 and two other



witnesses as PW-2 to PW-4 and got marked Exs.P-1 to P-28. The respondent did not adduce any evidence. The Tribunal considering the evidence, awarded total compensation of Rs.3,24,682/- along with interest at 9% per annum from the date of petition till realization.

5. It is to be noticed that the appellant was an inpatient in the hospital from 09.10.2016 to 12.10.2016 and underwent surgery and was diagnosed for fracture of both the bones of the left leg and underwent CRIF with IM nailing of left tibia under general anesthesia. The appellant examined PW-4 who has assessed the disability at 17.45% to the whole body, whereas the Tribunal upon perusal of exhibits has assessed 6% disability to the whole body.

6. The Tribunal was fully justified in awarding compensation under the head of loss of earning capacity at Rs.1,98,444/- considering the disability at 6% and income at Rs.17,226/- as per Ex.P-26 - salary slip. However, the Tribunal has awarded meager compensation



under the heads of pain and suffering, loss of amenities, loss of income during laidup period and food, nourishment, conveyance charges.

7. Taking note of the evidence on record, the compensation under the aforesaid heads are re-assessed as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	45,000/-
Medical bills	1,21,869/-
Food, nourishment, attendant and conveyance charges	20,000/-
Loss of income during laid up period (Rs.17,226/- x 3)	51,678/-
Loss of earning capacity	1,98,444/-
Loss of amenities	40,000/-
Future medical expenses	10,000/-
Total	4,86,991/-

The Tribunal has recorded a clear finding with regard to contributory negligence and the same is affirmed. Thus, the appellant shall be entitled for 90% of the total



compensation which would be **Rs.4,38,292/-** as against Rs.3,24,682/- awarded by the Tribunal.

8. 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 07.12.2018 passed by the Tribunal in M.V.C.No.7784/2016 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.4,38,292/-** (i.e., 90% of Rs.4,86,991/-) as against Rs.3,24,682/- 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) Registry shall transmit the records to the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

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