



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.10264/2018 (MV-I)

BETWEEN:

SRI. SRINIVAS .V
S/O VENKATAMUNIYAPPA
AGED ABOUT 38 YEARS
R/AT C/O APPAIAH
KANAKANAPALYA, KOLAR.

...APPELLANT

(BY SMT. SUGUNA R. REDDY, ADV.,)

AND:

1. M/S K.G. INTER NATIONAL SCHOOL
REPRESENTED BY HEAD MASTRESS
CHATRAKODIHALLI VILLAGE
KOLAR.
2. THE BRANCH MANAGER
M/S. NATIONAL INSURANCE CO LTD
BINDU NEAR DOOM LIGHT CIRCLE
NEW EXTENSION, KOLAR.
3. THE HEAD MASTRESS
SILICON VALLEY SCHOOL
NO 1, GOTTIGERE
BANNERUGHATTA MAIN ROAD
BANGALORE

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADV., FOR R2
SRI. PALLAVA R, ADV., FOR R3
R1 SERVED & UNREPRESENTED)





THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:19.07.2018 PASSED IN MVC NO.59/2015 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE CJM, AT MACT, KOLAR, 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 filed by the injured/claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 19.07.2018 passed in MVC.No.59/2015 by the Principal Senior Civil Judge & CJM, and MACT, Kolar, (for short, 'Tribunal').

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

3. Smt.Suguna R.Reddy, learned counsel for the appellant-injured submits that the appellant was working as a driver in BMTC and due to the accident he suffered disability, he was required to leave the said job and



presently working as a security personnel in the same employment, hence, he is entitled for compensation under the head of loss of income due to disability. It is submitted that the appellant was treated as an in-patient for 13 days in the hospital and PW3-Doctor has assessed the disability to a particular limb at 48% and to the whole body at 16% and due to the disability, his income has reduced drastically. It is further submitted that no compensation is awarded towards loss of amenities in life and the award of compensation by the Tribunal under all other heads is also on the lower side. It is also submitted that the appellant is entitled to compensation under the head of loss of income during the laid-up period, as the appellant lost the leave during the treatment, otherwise he would have surrendered those leaves to the employer and in lieu of the same, appellant would have earned a certain sum. Hence, he seeks to enhance the compensation by allowing the appeal.



4. Per contra, Sri.Janardhan Reddy, learned counsel for the respondent No.2 supports the impugned judgment and award of the Tribunal and submits that the evidence on record indicate that the appellant has continued with his employment, though there may be a change in the post from driver to the security personnel, but, no evidence is placed to substantiate that due to the disability, the appellant lost the employment or there is a reduction in the income. Hence, the Tribunal considering the said aspect awarded just compensation to the appellant and there is no scope for enhancement of compensation. Hence, he seeks to dismiss the appeal.

5. I have heard the arguments of the learned counsel appearing on both the sides and meticulously perused the material available on record.

6. The appellant as well as the respondents do not dispute that in a road accident dated 04.12.2014, the appellant sustained grievous injuries and provided



treatment as an in-patient in the hospital for 13 days. The averments in the claim petition indicate that the appellant was working as a driver in the BMTC and drawing salary of Rs.19,000/- per month in the year 2014. In order to substantiate the claim, the appellant-claimant examined himself as PW2 and also examined Dr.Imran Hussain as PW3 and got marked the documentary evidence.

7. It is to be noticed that the appellant was working as a BMTC driver and continued with his employment even after the accident. Though it is contended that due to the accidental injury and due to the disability suffered by the appellant, he was compelled to work as a security personnel in the BMTC, the said statement is not supported with any evidence. More particularly, there is no evidence on record to come to the conclusion that the income/salary of the appellant is substantially reduced due to the disability. The learned counsel for the respondent is right in his submission that there may be change in the nature of work that the



appellant is carrying out due to the accident, however, there is no reduction in the income/salary. Hence, the Tribunal has rightly come to the conclusion that there cannot be any compensation under the head of loss of income due to disability. I do not find any error in the said finding recorded by the Tribunal in declining to award compensation under the aforesaid head.

8. Insofar as the contention of the learned counsel for the appellant that the appellant is entitled to compensation under the head of loss of income during laid-up period is concerned, in my considered view, the said contention has no merit for the simple reason that there is no evidence before the Tribunal to substantiate the said claim as to how much leave the appellant has applied and granted and on surrender of such leave what amount he would have been entitled. Hence, in the absence of such evidence, the appellant would not be entitled to any compensation under the head of loss of



income during the laid-up period as he has drawn the salary for the said period.

9. It is to be noticed that the appellant has sustained several injuries, fractures, based on such injuries and treatment provided to him, PW3-Doctor has assessed the disability at 48% to the right lower limb and 16% to the whole body. Considering the said evidence and other medical evidence on record, I am of the considered view that the compensation is required to be awarded towards the loss of amenities and the compensation under other heads is also required to be enhanced appropriately. Hence, the compensation is re-assessed and the appellant would be entitled to compensation of **Rs.25,000/-** towards food, nourishment, conveyance and attendant charges; **Rs.65,000/-** towards pain & suffering; **Rs.50,000/-** towards loss of amenities in life. The compensation awarded by the Tribunal towards medical expenses is unaltered. The direction of the Tribunal to the respondent No.2-Insurance Company to pay the



compensation and to recover the same from respondent No.1 is unaltered.

10. Thus, the appellant would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Food, nourishment, conveyance and attendant charges	25,000
Medical expenses	1,33,704
Pain & suffering	65,000
Loss of amenities in life	50,000
Total	2,73,704

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.2,73,704/-** as against Rs.1,95,704/- awarded by the Tribunal.

11. In the result, this Court proceeds to pass the following:

ORDER

- a) Appeal is ***allowed in part.***
- b) The impugned judgment and award of the Tribunal is modified to an extent that the



appellant-claimant would be entitled to a total compensation of **Rs.2,73,704/-** as against Rs.1,95,704/- awarded by the Tribunal.

- c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment.
- d) The respondent No.2-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 certified copy of this judgment.
- e) The respondent No.2-Insurance Company is at liberty to recover the award amount along with interest from respondent No.1 in accordance with law.



- f) The entire compensation amount shall be released in favour of the appellant-claimant.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 2 SI No.: 3