



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. 8075 OF 2018 (MV-I)

BETWEEN:

SRI MANJUNATH G
S/O GOPAL O
R/A POOJENA AGRAHARA
DODDAGATTIGENEBBE
HOSAKOTE TALUK - 562 114
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI G.M. SHARATHKUMAR, ADV., FOR
SRI CHETHAN B, ADV.)

AND:

1. SRI GANGARAJU
S/O DODDA LAKSHMANA
SOLUR VILLAGE
KOLATHUR POST
HOSAKOTE TALUK
BENGALURU RURAL
DISTRICT - 562 114.

2. THE MANAGER
TATA AIG GENERAL INSURANCE CO. LTD.,
2ND FLOOR, J.P. AND DEVI
CHEMBUKESHA ARCADE
NO.69, MILLERS ROAD
BANGALORE - 560 057.

...RESPONDENTS

(BY SRI B. PRADEEP, ADV., FOR R-2;
V/O DT:17.06.202 NOTICE TO R-1
IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 25/04/2018, PASSED IN MVC
NO.2814/2016, ON THE FILE OF THE XXI ADDITIONAL SMALL





CAUSES JUDGE & XIX ACMM., MEMBER, MACT, (SCCH-23),
BENGALURU, 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 25.04.2018 passed in MVC
No.2814/2016 by the Court of XXI Addl. Small Causes
Judge & Motor Accident Claims Tribunal (SCCH-23) at
Bengaluru, (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., learned Counsel for the
appellant and Sri B.Pradeep, learned Counsel for
respondent no.2.



4. The appellant met with a road traffic accident on 14.10.2015 and he was shifted to Srinivasa Hospital, Hosakote, and was an inpatient from 14.10.2015 to 23.10.2025. In order to prove the claim, the injured examined himself as PW-1 and another witness as PW-2 and got marked Exs.P-1 to P-14. The respondent examined RW-1 and got marked Exs.R-1 & R-2. The Tribunal awarded a total compensation of Rs.1,48,078/- along with interest at 6% per annum. The Tribunal recorded a finding that the driver of the offending vehicle and the appellant have contributed to the accident at the ratio of 80:20. It is to be noticed that appellant has not produced any proof of income. Though appreciation letter at Ex.P-12 is produced, the Tribunal has disbelieved the same. In the absence of any evidence, his income is notionally assessed at Rs.9,000/-. The appellant had sustained the following injuries as per the wound certificate and discharge card at Exs.P-6 & P-8, respectively.



1) Lacerated bleeding wound over measuring 3 x 1 cm over forehead.

2) Swelling and tenderness over lower 1/3rd of left leg, deformity of left leg distal third.

5. The disability of the appellant is assessed by the Tribunal at 10% considering the above exhibits and the oral evidence of PW-2. Further, considering the age of the appellant at the time of accident which was 35 years, the appropriate multiplier as per the notional chart would be '16' to determine "loss of income due to disability". Therefore, taking into account the nature of injuries suffered, treatment provided and keeping in mind that the appellant has undergone surgery, I am of the view that compensation is required to be re-assessed as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	40,000/-
Medical bills	1,35,098/-
Food, nourishment, attendant and conveyance charges	20,000/-
Loss of amenities	40,000/-



Loss of income during laidup period (Rs.9,000/- x 3)	27,000/-
Loss of income due to disability (9,000 x 12 x 16 x 10%)	1,72,800/-
Total	4,34,898/-

The Tribunal has recorded a clear finding with regard to contributory negligence and the same is affirmed. Thus, the appellant shall be entitled 80% of the total compensation which would be **Rs.3,47,918/-** as against Rs.1,85,098/- awarded by the Tribunal.

6. 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 25.04.2018 passed by the Tribunal in M.V.C.No.2814/2016 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.3,47,918/-** (i.e., 80% of Rs.4,34,898/-) as against Rs.1,85,098/- 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) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

KK