



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 9885 OF 2018 (MV)

BETWEEN:

SRI THAMMAIAHA
@ THIMMEGOWDA
S/O JAVEREGOWDA
AGED ABOUT 58 YEARS
R/AT SREE SHANESHWARA SARVODAYA
COMPLEX, GUNDAVALLI
OPPOSITE: ALBAN HIGH
ANDERER EAST, MUMBAI 4000069.
AND ALSO GIDUVINAHOSAHALLI VILALGE
BOMMANAYAKAHLI POST
HONNAKEREI HOBLI
NAGAMANGALA TALUK
MANDYA DISTRICT - 571 432.

...APPELLANT

(BY SRI KAILAS SHANKAR P.S, ADV.)

AND:

1. FELICIANA THOMAS COUTINBO
NO.137, 4TH CROSS
PRIYADARSHINI LAYOUT
VINOBBHANAGAR
SHIVAMOGGA TOWN
SHIVAMOGGA - 577 201.
2. THE NEW INDIA ASSURANCE
CO. LTD., REGIONAL OFFICE AT
NO.9/2, MAHALAKSHMI CHAMBERS,
M.G. ROAD, BENGALURU - 560 001
BY ITS MANAGER.

CHANNAVEERAPPA D. SURAD
S/O LATE DODDABASAPPA
MAJOR
DEAD LR'S BY WIFE OF THE





DECEASED CHANNAVEERAPPA D. SURAD.

3. SMT. NARASAMMA
W/O CHANNAVEERAPPA D. SURAD
MAJOR
H.NO.34, VARADAHALLI VILLAGE
HAVERI TALUK, HAVERI DISTRICT.
4. SHRIRAM GENERAL INSURANCE CO. LTD.,
NO.3, 8/5, NEXT TO KAMATH
COMMERCIAL STREET
NEAR SHIVAJINAGAR
BENGALURU 01
BY ITS MANAGER.

...RESPONDENTS

(BY SMT. MANJULA N TEJASWI, ADV., FOR R-2;
SRI A.N. KRISHNASWAMY, ADV., FOR R-4;
NOTICE TO R-1 & 3 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 24.08.2018 PASSED IN MVC NO. 1293/2016 ON THE FILE OF THE XXII ADDITIONAL SMALL CAUSES JUDGE & XX ACMM, & MEMBER MACT, BENGALURU, [SCCH-24], PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION. IN TIME.C.F. SUFFICIENT.OFFICE OBJECTIONS ARE COMPLIED.SRIYUTHS. P S KAILAS SHANKAR, ADV. FOR APPELLANT.POST MFA BEFORE COURT (SJ) FOR ADMISSION.BSU.19.02.2019

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 24.08.2018 passed in MVC No.1293/2016 by the Court of XXII Addl. Small Causes



Judge & XX Addl. Chief Metropolitan Magistrate & MACT, Bengaluru (SCCH-24), (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. Sri Kailas Shankar, learned counsel for the appellant submits that the appellant has sustained crush injuries in the road accident and he was provided treatment as inpatient for a period of 53 days. Due to the accidental injury, he has sustained disability to the extent of 30% to the whole body. However, the Tribunal has not awarded any compensation under the head of loss of future income due to disability on the ground that he continued with his employment. It is submitted that award of compensation by the Tribunal on the head of pain and suffering, loss of amenities and food, attendant and conveyance charges, are very meager, and no



compensation is awarded under the head of loss of income during laidup period. Hence, he seeks to allow the appeal.

4. *Per contra*, Smt. Manjula N.Tejaswi, learned counsel for respondent No.2 and Sri A.N.Krishnaswamy, learned Counsel for respondent No.4 supports the impugned judgment and award of the Tribunal and submits that the appellant is not entitled for any compensation under the head of disability as he continued in his job in the said employment and his medical bills have been reimbursed. It is submitted that award of compensation by the Tribunal on all other heads is just and proper and there is no scope for interference. Hence, they seek to dismiss the appeal.

5. I have heard the arguments of the learned counsel for the appellant, the learned counsel for the respondent and meticulously perused the material available on record.



6. The only point that would arise for consideration in this appeal is:

"Whether the impugned judgment and award passed by the Tribunal calls for any interference?"

7. The parties to the proceedings do not dispute that in a road accident dated 13.06.2013, the appellant sustained grievous injuries and the Insurance Companies are liable to pay the compensation. The records indicate that the appellant was provided treatment at Government Hospital, Haveri, at Punya Hospital, Channarayapatna, and thereafter Kokilaben Dhirubai Ambani Hospital, Mumbai. The appellant was inpatient for a period of 53 days. The contention of the appellant is that the Tribunal ought to have awarded compensation under the head of loss of income due to disability. The said contention is rejected, as the appellant has been continued in his employment and no material is produced to prove loss of any income. Considering the aforesaid aspects of the matter, I am of



the considered opinion that the compensation awarded by the Tribunal under different heads are required to modified. Thus, the appellant would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	90,000/-
Medical expenses	12,773/-
Loss of amenities	1,25,000/-
Conveyance, food, nourishment and attendant charges	55,000/-
Total	2,82,773/-

8. The contention of the appellant that the appellant is entitled for compensation under the head of loss of income during laidup period cannot be considered as there is no evidence on record to come to the conclusion that the appellant has not received salary for the laidup period. In the absence of any evidence, the said contention cannot be considered.



Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.2,82,773/-** as against Rs.2,02,773/- awarded by the Tribunal.

9. 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 24.08.2018 passed by the Tribunal in M.V.C.No.1293/2016 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.2,82,773/-** as against Rs.2,02,773/- 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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