



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL NO. 4054 OF 2024

(MV-I)

BETWEEN:

SAJI K.V.,
AGED ABOUT 41 YEARS,
S/O BABY K.V.,
R/O BERINAPURA,
JADKAL VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT – 576 101

...APPELLANT

(BY SRI. K PRASANNA SHETTY, ADVOCATE)

AND:

1. PANDURANGA NAIK
AGED ABOUT 37 YEARS,
S/O LATE NAGAPPA NAIK,
R/O BELKE, HADINA VILLAGE,
BHATKAL TALUK,
UDUPI DISTRICT – 576 101
2. UNITED INDIA INSURANCE CO. LTD.,
REP BY ITS BRANCH MANAGER,
FIRST FLOOR,
NOWKAR BHAVAN COMPLEX,
V.T. ROAD, BHATKAL



U.K.DISTRICT - 581 111

3. THOMAS K.V. (MAJOR)
S/O BABY,
R/O KAREMULLA HOUSE,
JADKAL POST AND VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT - 576 101

4. ITTCO-TOKIO GENERAL INSURANCE CO. LTD.,
BY ITS BRANCH MANAGER
BRANCH OFFICE, LALBAUGH TOWERS,
M.G.ROAD,
MANGALORE - 575 003

...RESPONDENTS

(BY SRI.S.KRISHNAKISHORE, ADVOCATE FOR R2

SRI.S.V.HEGDE MULKHAND, ADVOCATE FOR R4

V/O/D:16/09/2025 NOTICE TO R1 AND R3 ARE DISPENSED WITH)

THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED:13.02.2023 PASSED IN MVC
NO.293/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
ADDITIONAL MACT, KUNDAPURA, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL JUDGMENT

Aggrieved by the award passed in MVC.No.293/2016 dated 13.02.2023 by the Senior Civil Judge & Addl. MACT, Kundapura, whereby the liability is fixed on the respondent No.2 the Court had granted compensation of an amount of Rs.5,35,500/-, the claimant is before this court seeking enhancement of the compensation.

2. The claim petition is filed seeking compensation of an amount of Rs.26,00,000/- for the injuries sustained by the claimant in the road traffic accident. It is the case that on 19.04.2025 at about 4.00 p.m. while the claimant was travelling as a pillion rider in motor cycle driven by its driver in a very slow manner by observing all the traffic rules, when they reached the village near Kundapura taluk, at that time, a car driven by its driver in a very high speed and in a rash and negligent manner came towards Kundapura side and dashed to the motor cycle. Due to the said impact, the claimant fell down on the road and sustained grievous injuries. Considering the injuries, the tribunal granted the compensation as per the table given below:



Sl. No.	Heads		Compensation Awarded	
1.	Pain and suffering	:	Rs.	40,000/-
2.	Medical Expenses	:	Rs.	1,02,352/-
3.	Loss of income due to disability	:	Rs.	3,40,200/-
4.	Food, Conveyance and attendant charges	:	Rs.	20,000/-
5.	Loss of income during the laid up period	:	Rs.	18,000/-
6.	Loss of Amenities	:	Rs.	15,000/-
	TOTAL	:	Rs.	5,35,552/-

3. Learned counsel appearing for the claimant submits that claimant is aggrieved as far as the compensation awarded under the head of pain and suffering, incidental expenses, loss of income during the laid up period and towards the loss of amenities. He submits that the claimant had sustained three fracture injuries. The amount that is awarded under the head of pain and suffering is not appropriate and coming to the incidental charges he was in hospital for 22 days, but the tribunal had granted only Rs.20,000/-. Coming to the loss of income during the laid up period only for 2 months amount is granted. Even under the head of loss of amenities also for 15% disability the tribunal had granted only Rs.15,000/-.



4. Learned counsel appearing for R-2/insurance company submits that the tribunal had rightly granted compensation and no enhancement is called for.

5. Learned counsel appearing for the R-4/insurance company submits that no liability is fixed on them.

6. Having heard the learned counsels on either side, perused the entire material on record. Admittedly the claimant had sustained three fracture injuries. Under the head of **pain and suffering** this court is granting an amount of **Rs.60,000/-**. As far as medical expenses, basing on evidence the tribunal had rightly granted the compensation and no interference is called for. Considering that claimant was in hospital for 22 days this court is granting an amount of **Rs.22,000/-** towards **incidental charges**. Coming to the **loss of income during the laid period**, this court is granting an amount of **Rs.36,000/-**. There is no dispute about 15% disability considered by the tribunal and compensation granted for an amount of **Rs.3,40,200/-** under the head of **loss of income due to disability**. Towards **loss of amenities**,



taking 15% disability this Court is granting an amount of
Rs.30,000/-.

7. In the light of the law laid down by the Hon'ble Supreme Court in the case of **V. MEKALA Vs. M. MALATHI AND ANOTHER**, the claimant is entitled for an amount of **Rs.10,000/-** towards **Legal Expenses**.

8. Altogether the claimant is entitled for compensation for an amount of Rs.6,00,552/- under the following heads:

	Heads	Compensation Awarded by Tribunal		Compensation Awarded by this Court
1.	Pain and suffering	Rs.	40,000/-	60,000/-
2.	Medical Expenses	Rs.	1,02,352/-	1,02,352/-
3.	Loss of income due to disability	Rs.	3,40,200/-	3,40,200/-
4.	Food, Conveyance and attendant charges	Rs.	20,000/-	22,000/-
5.	Loss of income during the laid up period	Rs.	18,000/-	36,000/-
6.	Loss of Amenities	Rs.	15,000/-	30,000/-
7.	Legal expenses	Rs.	00/-	10,000/-
	TOTAL	Rs.	5,35,552/-	6,00,552/-



- i. Accordingly, the appeal filed by the claimant is
Partly Allowed by enhancing the compensation
from an amount of Rs.5,35,552/- to
Rs.6,00,552/-
- ii. The enhanced amount shall carry interest at 6%
per annum from the date of petition till the date
of realization.
- iii. The apportionment of the amount shall be as
per the order passed by the Tribunal.
- iv. No costs.
- v. Pending miscellaneous petitions, if any, shall
stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE