



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. 4784 OF 2020 (MV-I)

BETWEEN:

MAHADEVA @ BILIYA
S/O BASAVARAJAPPA
AGED 36 YEARS
R/AT KRIJALI VILLAGE
KASABA HOBLI, HUNSUR TALUK
MYSURU DISTRICT.

...APPELLANT

(BY SRI SYED ABDUL SABOOR, ADV.)

AND:

1. GOPINATH N.S
S/O SHANKAREGOWDA
R/AT 148, JOGNIGARA BEEDI
PERIYAPATNA TOWN.
2. THE MANAGER
M/S UNITED INDIA INSURANCE CO. LTD
BALLAL CIRCLE, ABOVE STATE BANK OF MYSURU
KRISHNAMURTHYPURAM
MYSURU - 570 004.

...RESPONDENTS

(BY SRI P.B. RAJU, ADV., FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 22.10.2019 PASSED IN MVC NO. 815/2016 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES, AS A PRESIDING OFFICER, MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU, 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 challenging the 22.10.2019 passed in MVC No.815/2016 by the Court of Additional Small Causes & Senior Civil Judge, Motor Accident Claims Tribunal, Mysuru, (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 Syed Abdul Saboor, learned Counsel for the appellant and Sri P.B.Raju, learned Counsel for respondent no.3.

4. It is to be noticed that the injured claimant has filed a claim petition seeking compensation for the injuries suffered by him in a road accident dated 30.06.2015. The records indicate that the injured was a pillion rider of the motor cycle bearing registration No.KA-45-H-6217. It is



contended that the injured was a pillion rider, and hence, there cannot be any contributory negligence on his part. The said contention has been considered by the Tribunal at paragraph no.40 of the judgment, and has held that the claimant has not arrayed the rider, owner and the insurer of the motor cycle. In view of the said finding, I am of the considered view that the appellant cannot contend that he would be entitled for compensation for the entire amount.

5. In so far as the award of compensation by the Tribunal is concerned, admittedly the appellant has not examined the doctor nor placed any evidence with regard to disability. In the absence of the same, award of compensation under the head of loss of future income due to disability would not arise. However, the Tribunal has awarded meager compensation on all other heads.

6. The appellant has sustained fracture of multiple facial bone, fracture of right zygomatic arch, fracture of angle of mandible (right side), fracture of right foot and



fracture of right scapula and other injuries all over the body. Considering the aforesaid injuries, the treatment provided to the appellant and taking into consideration that he was inpatient for 14 days in the hospital, I am of the view that the compensation awarded to the appellant has to be re-assessed as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	45,000/-
Loss of income during laid up period (Rs.9,000/- x 3)	27,000/-
Food, nourishment, conveyance and attendant charges	25,000/-
Loss of amenities	45,000/-
Medical expenses	46,000/-
Total	1,88,000/-

Thus, the appellant-claimant shall be entitled to 50% of total compensation of Rs.1,88,000/- i.e., **Rs.94,000/-** as against Rs.85,000/- awarded by the Tribunal.

7. 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 22.10.2019 passed by the Tribunal in M.V.C.No.815/2016 is modified to an extent that the appellant-claimant would be entitled to 50% of total compensation of Rs.1,88,000/- i.e., **Rs.94,000/-** as against Rs.85,000/- 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 and on such deposit, release the compensation to the claimant.
- e) The rest of the judgment and award of the Tribunal with regard to contributory negligence is unaltered.



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f) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

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