



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3976 OF 2025 (MV-I)

BETWEEN:

SRI MUKESH KUMAR K.S.
AGED ABOUT 25 YEARS,
S/O. SRINIVASA K,
R/A. NO. 2, 2ND B CROSS,
MANORAYANAPALYA, RT NAGAR,
BENGALURU-560 032.

...APPELLANT

(BY SRI. D. NAGARAJA.,ADVOCATE)

AND:

1. SRI ARUN KUMAR A
MAJOR,
S/O. ANJANAPPA L,
R/A. NO. 1, I MAIN ROAD,
2ND CROSS, MUNESHWARA LAYOUT,
MANORAYANAPALYA, RT NAGAR POST,
BENGALURU- 560 032.

2. LIBERTY GENERAL INSURANCE LTD.,
NO. 1, ALYASSA, 1ST FLOOR,
REAR PORTION, OLD NO. 28, NEW NO. 23,
RICHMOND ROAD, RICHMOND TOWN,
BENGALURU- 560 025,
REP. BY ITS MANAGER

...RESPONDENTS





(BY SRI. SRI. MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
V/O DTD 06/08/2025, NOTICE TO R1 D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT. 17.03.2025 PASSED IN MVC NO.
365/2022 ON THE FILE OF THE VI ADDITIONAL JUDGE, COURT
OF SMALL CAUSES AND ACJM, MACT, BENGALURU SCCH-2
PARTLY ALLOWING THE CLAIM ETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments of both sides.

2. This appeal is filed under Section 173(1) of
Motor Vehicles Act, 1988, challenging the judgment and
award dated 17.03.2025 passed in MVC No.365/2022, by
the VI Additional Judge, Court of Small Causes and ACJM
and MACT, Bengaluru, (SCCH-2) (hereinafter referred to
as 'the Tribunal') seeking enhancement of compensation.



3. The injured claimant met with a road traffic accident on 22.12.2021 and filed a claim petition seeking compensation of Rs.36,00,000/-. The Tribunal, after considered the evidence 14,46,251/- with interest at the rate of 6% per annum from the date of petition till realisation.

4. Aggrieved by the said order, the claimant has preferred the present appeal contending that he sustained grievous injuries. The doctor examined as PW-3 assessed the disability at 42.22% to the limb and 14.07% to the whole body. It is further contended that the Tribunal erred in taking the disability at 5% and awarded meager amounts under the other heads.

5. It is also contended that though the Tribunal granted Rs.1,62,000/- towards loss of future income, the same was not reflected in the operative portion of the award. The claimant was treated as an inpatient for 21 days, and therefore seeks for enhancement of compensation.



6. Per contra, learned counsel of the respondent contended that the Tribunal has rightly taken the disability at 5% based on the medical evidence, as it does not affect the earning capacity of the claimant and that the compensation awarded under other heads is just and reasonable, needs no interference.

7. Though it is contended that the appellant was working as an electrician earning Rs.25,000/- per month, no documentary proof is produced. As the accident occurred in the year 2021, this Court finds it reasonable to take his notional income as Rs.15,000/- per month, as per the chart prepared by the Karnataka State Legal Services Authorities. The appellant was aged 22 years and the applicable multiplier is '18'.

8. As per Ex.P-10 - wound certificate and Ex.P-13 - discharge summary, the claimant sustained the following injuries:

Injuries:

- i. RTA with TBI(Traumatice Brain Injury)



- ii. Fracture of left clavicle and left scapula,
- iii. Mid-clavicular fracture with segmental involvement
- iv. Thrombosis of subclavian artery

Operations done:

- i. Wound debridement, exploration and repair of subclavian artery with skin graft done on 24.12.2021.
- ii. PTEF (Poly Tetra Fluoro Ethylene) prosthetic bypass graft + repair to subclavian artery done on 25.12.2021.
- iii. Wound suturing + IMF (Inter Maxillary Fixation) screw application done on 06.01.2022.

9. The doctor (PW-3, Senior Consultant

Orthopedist) deposed that:

- i. The fractures have united with implants in situ
- ii. The scapula fracture shows malunion
- iii. Wrist and elbow movements are normal



- iv. Disability is assessed at 42.22% to the limb and 14.07% to the whole body
- v. The claimant may require a future surgery for removal of implants

10. Considering the medical evidence, this Court finds it reasonable to take the functional disability at 14% to the whole body. Accordingly, the loss of future earning capacity comes to $\text{Rs.}15,000/- \times 12 \times 18 \times 14\% = \text{Rs.}4,53,600/-$.

11. The appellant has incurred a sum of $\text{Rs.}13,01,251/-$ towards medical expenses. The Tribunal has awarded the said amount and the same is confirmed.

12. The appellant was hospitalised for a period of 21 days. Considering the nature of injuries and period of hospitalisation and other relevant factor, this Court finds it reasonable to grant an amount of $\text{Rs.}75,000/-$ towards pain and suffering, $\text{Rs.}30,000/-$ towards loss of amenities and $\text{Rs.}40,000/-$ towards transportation, extra nourishment and attendant charges. Appellant might not



have attended any other work at least for a period of three months. Therefore, this Court finds it reasonable to grant amount of Rs.45,000/- towards loss of income during laid-up period.

13. Thus, the compensation awarded by this Court is as follows:

Particulars	Amount in Rs.
Loss of future earning capacity	4,53,600.00
Pain and suffering	75,000.00
Loss of amenities	30,000.00
Medical bills	13,01,251.00
Transportation, extra nourishment and attendant charges	40,000.00
Loss of income during laid up period	45,000.00
Total	19,44,851.00

14. In summary, the appellant/claimant is entitled to a total compensation of Rs.19,44,851/- as against Rs.14,46,251/- awarded by the Tribunal. The enhanced compensation works out to Rs.4,98,600/-. To this extent, the award passed by the Tribunal is modified.

15. In the result, pass the following:



ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 17.03.2025 passed in MVC No.365/2022, by the VI Additional Judge, Court of Small Causes and ACJM and MACT, Bengaluru, (SCCH-2), is hereby modified;
- iii. The appellant-claimant is entitled to compensation of Rs.19,44,851/-. with interest at the rate of 6% per annum from the date of petition till its realization.
- iv. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance Company is directed to deposit enhanced compensation of Rs.4,98,600/- with interest rate of 6% within one month from the date of this order.



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- v. On such deposit, the appellant/claimant is permitted to withdraw the entire amount along with interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 SI No.: 51