



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. 3188 OF 2019 (MV-I)

BETWEEN:

SIDDALINGAPPA N.L
S/O LINGANNA
AGED ABOUT 59 YEARS
R/AT NO.79, NANDAGUDI VILLAGE
HOSKOTE TALUK, BANGALORE
RURAL DISTRICT, PIN - 562 122.

...APPELLANT

(BY SRI MURALI M, ADV.)

AND:

1. SRI D. RAMACHANDRAPPA
S/O DASAPPA
AGED ABOUT 47 YEARS
R/AT CHOKKANDAHALLI VILLAGE
SIDLAGATTA TALUK
CHIKKABALLAPURA
DISTRICT - 562 102
(OWNER OF KA-53-R-0399)
2. SRI SHABEER
S/O BASHA AGED MAJOR
R/AT NO.418, AMBEDKAR NAGAR
VIJANAPURA VILLAGE
BANGALORE - 560 016
(INSURANCE HOLDER OF KA-53-R-0399)
3. UNITED INDIA INSURANCE COMPANY LTD.,
SBLT BUILDING, POLYTECHNIC ROAD
CHINTAMANI TOWN
CHIKKABALLAPURA DISTRICT
PIN - 563 125, (INSURER OF KA-53-R-0399)
VIDE POLICY NO.0715023115P100212478)

...RESPONDENTS





(BY SRI P.B. RAJU, ADV., FOR R-3;
V/O DT:18.06.2025, NOTICE TO R-2
IS DISPENSED WITH;
R-1 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17/12/2018, PASSED IN MVC NO.482/2017, ON THE FILE OF THE VIII ADDITIONAL SMALL CAUSES JUDGE & XXXIII ACMM., MEMBER, MACT, BENGALURU (SCCH-5), 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 judgment and award dated 17.12.2018 passed in MVC.No.482/2017 by the Court of VIII Addl. Small Causes Judge & Motor Accident Claims Tribunal (SCCH-5) 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 Murali.M., learned counsel for the appellant and Sri P.B.Raju, learned Counsel for respondent no.3.

4. The records indicate that the appellant met with a road traffic accident on 25.02.2016 and he was shifted to MVJ Hospital, Hosakote, and thereafter to Vikram Hospital. He was inpatient from 25.02.2016 to 02.03.2016. The appellant filed the claim petition and the Tribunal awarded total compensation of Rs.8,54,000/- with interest at 9% per annum. The Tribunal has not assessed compensation under the head of loss of future income due to disability, as the appellant failed to produce the disability certificate and failed to examine the doctor. It is to be noticed that the appellant sustained the following fractures.

"fracture of right tibia, mild tenderness cervical spine, neurology bulk, tone decreased right upper limb, motor power right upper limb, cervical canal stenosis with right upper limb, monoplegia and pre ganglionic brachial plexus injury, for which, he



underwent C3-C6 french door laminoplasty, decompression of dura and cord under GA."

5. Considering the nature of injury referred supra and taking note of the wound certificate at Ex.P-5, discharge summary at Ex.P-8 and other medical records, I am of the considered view that the compensation under the head of food, nourishment, attendant and conveyance charges is required to be assessed at Rs.30,000/- as against Rs.20,000/- awarded by the Tribunal.

6. Loss of income during laid-up period should be Rs.9,500/- x 3 = Rs.28,500/- as against Rs.7,000/- awarded by the Tribunal.

7. The appellant was inpatient for a period of eight days and taking note of the injuries suffered, he would be entitled for compensation under the head of loss of amenities at Rs.40,000/- as against Rs.20,000/- awarded by the Tribunal. Thus, the appellant would be entitled to modified compensation as under:



HEADS	AMOUNT (in Rs.)
Medical bills	6,07,000/-
Food, nourishment, attendant and conveyance	30,000/-
Loss of income during laid up period	28,500/-
Loss of future income due to disability	1,00,000/-
Pain & suffering	1,00,000/-
Loss of amenities	40,000/-
Total	9,05,500/-

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.9,05,500/-** as against Rs.8,54,000/- awarded by the Tribunal.

8. 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 17.12.2018 passed by the Tribunal in M.V.C.No.482/2017 is modified to an extent that the appellant-claimant would be entitled to



total compensation of **Rs.9,05,500/-** as against Rs.8,54,000/- 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.
- 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