



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. 4278 OF 2024

(MV-I)

BETWEEN:

M/S UNITED INDIA INSURANCE CO. LTD
BRANCH OFFICE, HASSAN
P.B.NO. 114, 1ST FLOOR
REP. BY ITS DIVISIONAL MANAGER
CRESENT COURT, K.M.ROAD
CHIKKAMAGALURU TALUK-577 101

...APPELLANT

(BY SRI. BENNI RAVISH CHANDRASHEKAR, ADVOCATE)

AND:

1. MR.MANJUNATH C.E.,
S/O LATE ESHWARE GOWDA
AGED ABOUT 47 YEARS
AUTO DRIVER
R/O CHIKKOLALE VILLAGE
KABBINAHALLI POST
CHIKKAMAGALURU-577 101
2. M.R VENKATESHA
S/O LATE SHIVANNA



AGED ABOUT 40 YEARS
BARBER
R/O KALLUDODDI BADAVANE
CHIKKAMAGALURU-577 117

3. SRI.RANGANATHA
S/O YELLAPPA
AGED ABOUT 44 YEARS
DHOB, R/O ERAKANAHALLI
DASARAHATTI, MUDIGERE
KADUR TALUK- 577 550

...RESPONDENTS

(R1 & R3 ARE SERVED

NOTICE TO R2 IS DISPENSED WITH V/O/D 25/10/2024)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED:25.04.2023 PASSED IN MVC
NO. 68/2022 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND MACT, CHIKKAMAGALURU, AWARDED
COMPENSATION OF RS.6,60,300/- WITH INTEREST AT 6
PERCENT P.A. ON THE COMPENSATION AMOUNT OF
RS.5,80,300 FROM THE DATE OF PETITION TILL REALIZATION.

THIS APPEAL, COMING ON FOR 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.68/2022 dated 25.04.2023 by the II Addl. Senior Civil Judge & JMFC and MACT, Chikkamagaluru, the insurance company is before this Court.

2. The claim petition was filed seeking compensation of an amount of Rs.5,00,000/- for the injuries sustained by the claimant in the road traffic accident. On 26.04.2020 at about 8:00 am, the claimant and his friend had been to coffee land of on a motorcycle Bajaj Discover, while returning at 10:00 am, near auto stand Kaludoddi Cross, the respondent No.1 being a driver of motorcycle Bajaj CT 100 has driven the motorcycle in a rash and negligent manner, dashed against the motorcycle in which the claimant was proceeding. Due to the said impact, the claimant fell down on the road and sustained fracture. Considering the injuries, the Tribunal had granted the compensation as per the table given below:

Sl. No.	Heads		Compensation Awarded
1.	Pain and suffering	: Rs.	50,000/-
2.	Medical Expenses	: Rs.	28,500/-
3.	Incidental Hospital Expenses	: Rs.	25,000/-



4.	Loss of future earnings	:	Rs.	3,39,300/-
5.	Loss of income during laid up period	:	Rs.	72,500/-
6.	Loss of future amenities	:	Rs.	25,000/-
7.	Conveyance and attendant charges	:	Rs.	40,000/-
8.	Future medical expenses	:	Rs.	80,000/-
	TOTAL	:	Rs.	6,60,300/-

3. Though notice is served on all respondents, no vakalath is filed.

4. Learned counsel appearing for the appellant/Insurance Company submits the Tribunal had granted loss of future earning and when the evidence of the doctor is that the claimant is suffering with 27% disability to the limb, the Tribunal has taken 15% to the whole body. It is submitted that even after the accident the claimant is continuing with his work, hence there is no future loss of income and the tribunal ought to have considered it. It is further submitted that he was in the hospital for 19 days but the Tribunal had granted an amount of Rs.40,000/-. Further for the future medical expenses also the Tribunal had granted an amount of Rs.80,000/- and when it comes to loss of income during the laid up period the Tribunal



had granted an amount of Rs.72,500/- which is on the higher side. It is submitted that on all the other heads also the amount granted by the Tribunal is on the higher side and needs to be reduced.

5.It is further submitted that as per Ex.R-2 as on the date of accident, Respondent No.1/driver had no valid driving license and hence insurance company is not liable to pay the compensation and tribunal had applied the principle of pay and recover.

6. Having heard the learned counsel appearing for the appellant/Insurance Company, perused the material on record. The submission of the learned counsel is that the claimant is working and it has no impact on his future income. This court is not able accept the submission of the learned counsel. The disability would definitely have an effect on his future income even if he is continuing with his work. Hence, as far as **pain and suffering, medical expenses, incidental hospital expenses and amenities** this Court is not interfering. Coming to the **future medical expenses** this Court is granting an amount of **Rs.40,000/-**. Towards **conveyance and**



attendant charges this Court is granting an amount of **Rs.20,000/-**. Coming to the **loss of income during laid up period**, considering the injury this Court is granting an amount of **Rs.58,000/-** (Rs.14,500 x 4). Coming to the **loss of future earning capacity**, the argument of the learned counsel is that the disability has been taken as 1/3rd disability to the whole body. Considering the evidence of the doctor at 27% this Court is taking 9% disability (Rs.14,500 x 12 x 14 x 9/100), this Court is granting an amount of **Rs.2,19,240/-**. Hence the claimant is entitled for an amount of **Rs.4,65,740/-**. Even if there are violation of the terms and conditions of the policy, it is between the insurer and the insured. Hence, in the light of the settled law, the Insurance Company shall pay the compensation and recover the same from the owner of the vehicle.

7. The claimants are entitled for compensation for an amount of Rs.4,65,740/- under the following heads:

Sl. No.	Heads of Compensation	Compensation awarded by the Tribunal		Compensation awarded by this Court
1.	Pain and suffering	Rs.	50,000/-	50,000/-
2.	Medical Expenses	Rs.	28,500/-	28,500/-
3.	Incidental Hospital	Rs.	25,000/-	25,000/-



	Expenses			
4.	Loss of future earnings	Rs.	3,39,300/-	2,19,240/-
5.	Loss of income during laid up period	Rs.	72,500/-	58,000/-
6.	Loss of future amenities	Rs.	25,000/-	25,000/-
7.	Conveyance and attendant charges	Rs.	40,000/-	20,000/-
8.	Future medical expenses	Rs.	80,000/-	40,000/-
	Total	Rs.	6,60,300/-	4,65,740/-

- i. Accordingly, appeal filed by the Insurance Company is **Partly Allowed** by reducing the compensation from an amount of Rs.6,60,300/- to an amount of **Rs.4,65,740/-**.
- ii. The Insurance Company shall pay the compensation amount to the claimant and recover the same from the owner of the vehicle.
- iii. The amount in deposit shall be forthwith transferred to the tribunal.
- iv. The Insurance Company is at liberty to withdraw the excess amount if any deposited.
- v. Registry is directed to return the Trial Court Records to the Tribunal, along with certified copy



of the order passed by this Court forthwith
without any delay.

- vi. No costs.
- vii. Pending miscellaneous petitions, if any, shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

TS
List No.: 2 Sl No.: 88