



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 5022 OF 2020 (MV-I)

BETWEEN:

1. SMT KANAKAMMA
W/O HULIRAJU
AGED ABOUT 50 YEARS
R/AT GADIGENAHALLI VILLAGE
KEMBLIGANAHALLI
HOSKOTE TALUK
BENGALURU RURAL DISTRICT-562114

...APPELLANT

(BY SRI. ANANDA K.S., ADVOCATE)

AND:

1. SRI ABDUL ASHFAQ PASHA
S/O SHEIK ISMAIL AHMED
NO.42, 2ND BLOCK 1ST STAGE
SYEDINA USMAN
HBR LAYOUT, YASEEN NAGAR
BENGALURU - 560 045
2. THE BRANCH MANAGER
UNITED INDIA INSURANCE CO LTD.,
5TH AND 6TH FLOOR, KRUSHI BHAVAN BUILDING
HUDSON CIRCLE
BENGALURU - 560 001

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R2
NOTICE TO R1 IS DISPENSED WITH
VIDE ORDER DATED 16.04.2024)



THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 18.01.2020 PASSED IN MVC NO. 7113/2018 ON THE FILE OF THE II ADDITIONAL JUDGE AND ACMM, COURT OF SMALL CAUSES, BENGALURU (SCCH-13), 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 MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. The present appeal has been filed under Section 173(1) of the Motor Vehicles Act, 1988, seeking to challenge Judgment and Award dated 18.01.2020 in MVC No.7113/2018 passed by the II Additional Small Causes Judge and Additional Chief Metropolitan Magistrate, Bengaluru [hereinafter referred to as the "Impugned Award"].

2. By the Impugned Award, the appellant/claimant has been awarded a compensation of Rs.4,33,065/- along with interest at the rate of 6% p.a. The respondent No.2/Insurance Company is liable to pay the amount awarded. The challenge in the present appeal has been



made by the appellant/claimant seeking an enhancement of the amounts awarded.

3. Briefly, the facts of the case are that on 21.11.2018 at about 5.30 p.m., the petitioner was standing in order to cross the road near Pujaramanahalli Gate, Bengaluru-Kolar, NH-75 road at that time a rider Motor Cycle bearing No.KA-02-JU-7951 by ridden in a rash and negligent manner and dashed against the petitioner/claimant. As a result, the petitioner/claimant fell down and sustained grievous injuries all over her body. Immediately after the accident/claimant petitioner was shifted to Hosmat Hospital and later discharged with follow up advice.

4. Based on the pleadings between the parties, the learned Tribunal framed the following issues:-

"1. Whether the petitioner proves that she had sustained grievous injury in RTA on 21.11.2018 on 5.30 p.m. near Pujaramanahalli Gate, Hosakote Taluk, Bengaluru Rural District and accident had taken place due to rash and negligent riding by the rider of motor cycle bearing Reg.No.KA-02-JU-7951 as alleged in the petition?"

2 .Whether the petitioner proves that she is entitled for the compensation as claimed? If so, to what extent and from whom?"



3. *What order or award?"*

5. The appellant/claimant examined herself as PW.1 as well as doctor as PW.2. The appellant has filed 17 documents in support of her case and got marked as Ex.P.1 to Ex.P.17. Respondents have not placed any evidence before Tribunal.

6. The learned Tribunal found that the accident occurred due to rash & negligence and also found that the appellant is entitled to amounts on the grounds of disability suffered by her at the time of accident and awarded the compensation under the following heads:

Sl.No	Particulars	Amount (Rs.)
1	Pain and sufferings	Rs. 50,000/-
2	Loss of future income due to disability	Rs.1,62,240/-
3	Medical expenses	Rs.1,20,825/-
4	Conveyance, nourishment & nutritious food	Rs. 50,000/-
5	Loss of amenities	Rs. 25,000/-
6	Future medical expenses	Rs. 25,000/-
	Total	Rs.4,33,065/-



7. Learned counsel for appellant/claimant submits that the learned Tribunal has wrongly calculated the notional income. Since the accident occurred in the year 2018, the notional income should have been taken as 12,500/-. In addition, he contends that no amount was awarded for loss of income during treatment. No other ground is raised by him.

8. Learned counsel for the respondent No.2/Insurance company does not dispute the fact that the notional income should have been taken at Rs.12,500/-per month.

9. Accordingly, the only issue that arises before this Court is:

"Whether the compensation has been awarded in accordance with law?"

10. The age of the injured at the time of the accident is 48 years. She was working as a coolie. The Doctor was examined as PW.2 has assessed the disability of 37% to the lower limb and 13% to the whole body. Accordingly,



the calculation for loss of future income due to disability would be taken in the following manner:

$$\text{Rs.12,500/-} \times 13\% \times 13 \times 12 = 2,53,500/-$$

11. Since the appellant/claimant suffered disability and could not attend the work for a period of 3 months was under treatment. Hence, loss of income during laid up period is calculated as $\text{Rs.12,500} \times 3 = \text{Rs.37,500/-}$.

12. Thus, the compensation awarded by the learned Tribunal is re-assessed in the following manner:

Sl.No	Particulars	Amount (Rs.)
1	Pain and sufferings	Rs. 50,000/-
2	Loss of future income due to disability	Rs.2,53,500/-
3	Medical expenses	Rs.1,20,825/-
4	Conveyance, nourishment & nutritious food	Rs. 50,000/-
5	Loss of amenities	Rs. 25,000/-
6	Future medical expenses	Rs. 25,000/-
7	Loss of income during treatment	Rs.37,500/-
	Total	Rs.5,61,825/-

13. Hence, the appellant/petitioner is entitled to total compensation of **Rs.5,61,825/-** along with interest at the



rate of 6% per annum from the date of petition till the date of realization.

14. Accordingly, the Court proceeds to pass the following directions:

ORDER

- (i) The appeal is ***allowed-in-part***.
- (ii) The impugned Judgment and Award dated 18.01.2020 in MVC No.7113/2018 passed by the II Addl. Small Causes Judge & ACMM, Bengaluru is modified to the extent that the appellant/petitioner is entitled to enhanced compensation of **Rs.1,28,760/-** along with interest at the rate of 6% per annum from the date of petition till the date of realization, in addition to **Rs.4,33,065/-** that has been awarded by the learned Tribunal.
- (iii) The remaining portion of the Impugned Award of the Tribunal remains undisturbed.



- (iv) The Insurance Company shall deposit the enhanced compensation with interest at 6% p.a. within a period of six weeks from the date of receipt of the judgment.
- (v) The amount in deposit by the Insurance Company before this Court shall be transmitted to the Tribunal within a week.
- (vi) The Registry is directed to draw the modified Award accordingly.
- (vii) The Registry is directed transmit a copy of this judgment to the concerned Tribunal, along with its records.
- (viii) No order as to costs.

Sd/-
(TARA VITASTA GANJU)
JUDGE

PSJ
List No.: 1 Sl No.: 11