



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 5192 OF 2021 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5188 OF 2021 (MV-I)

IN MFA NO. 5192/2021:

BETWEEN:

1. SRI.MANJUNATH
S/O LATE SIDDAPPA,
AGED ABOUT 42 YEARS,
R/AT KARUNAKUPPE VILLAGE,
HANAGODU HOBLI-571105
HUNSUR TALUK,
MYSURU DISTRICT.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

AND:

1. SRI.B.M.KEERTHI
S/O NINGEGOWDA,
AGED 29 YEARS,
R/AT BEKRE VILLAGE, KASABA HOBLI,
PERIYAPATNA TALUK-571107
MYSURU DISTRICT.
2. SRI. KASTHURIGOWDA
S/O VENKATEGOWDA
AGED 39 YEARS,





NC: 2026:KHC:11300
MFA No. 5192 of 2021
C/W MFA No. 5188 of 2021

R/AT MUDUGANURU VILLAGE,
HANAGODU HOBLI-571105
HUNSUR TALUK.

3. THE MANAGER
NATIONAL INSURANCE CO LTD.,
14TH MAIN, SARASWATHIPURAM,
MYSURU-570009

...RESPONDENTS

(BY SRI. PRITHVIRAJ., ADVOCATE FOR
SRI. G. BALAKRISHNA SHASTRY.,ADVOCATE)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
PRAYING TO CALL FOR THE RECORDS IN MVC NO.966/2017
PASSED BY THE PRL. SMALL CAUSES AND SENIOR CIVIL
JUDGE AT MYSURU WHICH WAS DISPOSED OFF ON
10.08.2021 ENHANCE THE COMPENSATION FROM
RS.2,58,500/- AS AWARDED BY THE TRIBUNAL TO
RS.14,98,000/- AGAINST THE RESPONDENT IN THE INTEREST
OF JUSTICE.

IN MFA NO. 5188/2021:

BETWEEN:

1. SRI.SURESH
S/O LATE SOMAPPA,
AGED ABOUT 50 YEARS,
R/AT KARUNAKUPPE VILLAGE,
HANAGODU, HOBLI-571105,
HUNSUR TQ. MYSURU DISTRICT.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

AND:

1. SRI.B.M.KEERTHI
S/O NINGEGOWDA,



AGED ABOUT 29 YEARS,
R/AT BEKRE VILLAGE, KASABA HOBLI,
PERIYAPATNA TALUK 571107,
MYSURU DISTRICT.

2. SRI. KASTHURIGOWDA
S/O VENKATEGOWDA,
AGE: 39 YEARS,
R/AT MUDUGANURU VILLAGE,
HANAGODU HOBLI-571105,
HUNSUR TALUK.
3. THE MANAGER
NATIONAL INSURANCE CO. LTD.
14TH MAIN, SARASWATHIPURAM,
MYSURU-570009.

...RESPONDENTS

(BY SRI. PRUTHVI RAJ, ADVOCATE FOR
SRI. G. BALAKRISHNA SHASTRY, ADV. FOR R1 & R2;
SMT. KOWSALYA, ADVOCATE FOR
SRI. RAVISH BENNI, ADVOCATE FOR R3)

THIS MFA IS FILED UNDER SECTION 173(1) OF M.V.
ACT, PRAYING TO CALL FOR THE RECORDS IN MVC
NO.965/2017 PASSED BY THE PRL. SMALL CAUSES AND
SENIOR CIVIL JUDGE AT MYSURU WHICH WAS DISPOSED
OFF ON 10.08.2021 AND ENHANCE THE COMPENSATION
FROM RS.2,06,500/- AS AWARDED BY THE TRIBUNAL TO
RS.14,98,000/- AGAINST THE RESPONDENT IN THE
INTEREST OF JUSTICE.

THESE APPEALS COMING ON FOR DICTATING
JUDGMENT, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

MFA No.5188/2021 is the outcome of the award passed in MVC No.965/2017 and MFA No.5192/2021 is the outcome of the award that is passed in MVC No.966/2017.

2. Both the orders were rendered in common by the Motor Accident Claims Tribunal, Mysuru on 10.08.2021. Claimant's therein preferred these appeals.

3. Heard Sri.Syed Abdul Saboor learned counsel for appellant in both the appeals. Sri. Pruthvi Raj who represented Sri.G.Balakrishna Shastry learned counsel on record for respondent Nos.1 and 2 in both the appeals as well as Ms. Kowsalya who represented Sri.Ravish Benni learned counsel on record for respondent No.3 in both the appeals were also heard.

4. Learned counsel for the appellants in both the appeals contended that the appellants by doing agricultural work and coolie work were earning Rs.15,000/- per month. But the tribunal took their notional



income as Rs.7,000/- per month only. Learned counsel states that the accident in which both the appellants sustained injuries occurred in the year 2017 and for the relevant period, for settlement of claims, the Karnataka State Legal Services Authority is taking the notional income as Rs.11,000/- per month and at least said figure should have been considered by the tribunal. Learned counsel also submitted that compensation granted under all heads to both the appellants is on lower side. Learned counsel thereby seeks enhancement in compensation.

5. Learned counsel who represented respondent Nos. 1 and 2 in both the appeals stated that liability is fastened against respondent Nos.1 and 2 only and respondent Nos.1 and 2 are poor and therefore their status may be taken into consideration.

6. Learned counsel who represented respondent No.3 submitted that no liability is fastened against respondent No.3 in both the appeals.



7. The submission made by learned counsel for the appellants is only in respect of the sum that is awarded as compensation.

Entitlement of the appellant in MFA No.5188/2021
who is claimant in MVC No.965/2017:

8. It is not in dispute that the appellant sustained Hemorrhagic parenchymal contusions in the right thalamus and fornix, fracture of lateral and inferior walls of right orbit, fracture of right Zygomatic arch, right sphenoid wing and fracture of all walls of right maxillary sinus with hemosinus. The disability assessed by the tribunal in respect of whole body which is permanent in nature needs no interference. However, considering the submission that is made by learned counsel for the appellants, the notional income of the appellant herein is required to be taken as Rs.11,000/- per month. Thus, taking the notional income of the appellant as Rs.11,000/- per month and without disturbing the other parameters that is application of



appropriate multiplier '13' and disability in respect of whole body as 11%, the compensation which the appellant is entitled to receive towards loss of future earnings comes to Rs.1,88,760/-(11,000 x12x13x11%).

9. Considering the nature of injuries sustained and the treatment taken, this Court is of the view that the appellant would have taken bed rest at least for a period of 4 months. Thus, loss of earnings during laid up period comes to Rs.44,000/- (11,000x4).

10. As rightly put forth by learned counsel for the appellant the compensation granted under material heads is on lower side. Thus considering the totality of evidence produced, this Court is of the view that the compensation which the appellant is entitled to receive under different heads is as under:-



NC: 2026:KHC:11300
MFA No. 5192 of 2021
C/W MFA No. 5188 of 2021

Sl. No	Description	Amount
1.	Compensation for pain and suffering	35,000.00
2.	Loss of income during laid up period	44,000.00
3.	Towards Food, extra nourishment, conveyance and attendant charges	20,000.00
4.	Loss of amenities	10,000.00
5.	Medical expenses	31,000.00
6.	Loss of future earnings	1,88,760.00
7.	Future medical expenses	15,000.00
	Total	3,43,760.00

11. The tribunal through the impugned order held that appellant is entitled to a sum of Rs.2,06,500/- as compensation. However the discussion that went on *supra* makes it clear that appellant is entitled to a sum of Rs.3,43,760/- as compensation.

Entitlement of the appellant in MFA No.5192/2021 who is claimant in MVC No.966/2017:



12. By all the evidence produced, appellant succeeded in establishing that he sustained grievous injury at the distal 1/3rd of right thigh and suprapatellar abrasions over right knee. The tribunal rightly took the disability in respect of whole body as 15%. Basing on the submission that is made by learned counsel for the appellant, this Court considers desirable to take the notional income of the appellant as Rs.11,000/- per month. On applying other parameters i.e. multiplier as '15' and disability in respect of whole body as 15%, taking the notional income as Rs.11,000/- per month the compensation which the appellant is entitled to receive towards loss of future earnings is Rs.2,97,000/- (11,000 x12x15x15%).

13. In the light of the nature of injuries sustained and the treatment taken, this Court is of the view that appellant would not have attended his normal pursuits at least for a period of three months. Thus loss of earnings during laid up period comes to Rs.33,000/-(11,000 x 3). Also this Court is of the view that compensation granted



by the tribunal under material heads requires marginal enhancement. Therefore compensation which the appellant is entitled to receive under different heads is as under:-

Sl. No	Description	Amount
1.	Compensation for pain and suffering.	30,000.00
2.	Loss of income during laid up period.	33,000.00
3.	Towards food, extra nourishment, conveyance and attendant charges	20,000.00
4.	Loss of amenities	10,000.00
5.	Medical expenses	27,500.00
6.	Loss of future earnings	2,97,000.00
	Total	4,17,500.00

14. The tribunal gave a finding that the appellant is entitled to a sum of Rs.2,58,500/- as compensation. However, this Court is of the view that he is entitled to a



sum of Rs.4,17,500 as compensation. Therefore both the appeals are disposed of with the following:-

ORDER

- i. Both the appeals are allowed in part.
- ii. Compensation that is granted by the Motor Accident Claims Tribunal, Mysuru through orders in MVC No.965/2017 dated 10.08.2021 is enhanced from Rs.2,06,500/- to Rs.3,43,760/-.
- iii. The compensation that is granted by the Motor Accident Claims Tribunal, Mysuru through orders in MVC No. 966/2017 dated 10.08.2021 is enhanced from Rs.2,58,500/- to Rs.4,17,500/-.
- iv. The enhanced sum in both the appeals shall carry interest at the rate of 6% per annum from the date of respective petitions till the date of deposit.



NC: 2026:KHC:11300
MFA No. 5192 of 2021
C/W MFA No. 5188 of 2021

- v. Respondent Nos. 1 and 2 are directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- vi. On deposit, appellants are permitted to withdraw the same.

SD/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 SI No.: 21