



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
MISCELLANEOUS FIRST APPEAL NO. 7229 OF 2015 (MV-I)
C/W
MISCELLANEOUS FIRST APPEAL NO. 7231 OF 2015 (MV-I)

IN MFA No. 7229/2015

BETWEEN:

SRI. SUNNIL @ SOHAIL
S/O DADAPEER,
AGE 20 YEARS,
R/O HARLIPUR VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT
NOW RESIDING
KONDAJJI VILLAGE,
S J M NAGAR,
DAVANAGERE
DAVANAGERE DISTRICT

...APPELLANT

(BY SRI. R. SHASHIDHARA, ADVOCATE)

AND:

1. SRI.THIPPESHA
S/O HALAPPA BANUVALLI,
AGE 32 YEARS,
R/O SANGAHALLI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT
2. SRI H V BASAVARAJAPPA
S/O T BASETTYAPPA,





AGED ABOUT 46 YEARS,
R/O MULLAKERE VILLAGE,
GAJANUR POST, SHIMOGA TALUK,
NOW RESIDING AT
BELALAGERE VILLAGE,
CHANNAGIRI TALUK
DAVANAGERE DISTRICT

3. M B CHANNABASAPPA
S/O BASAPPA,
AGED ABOUT 51 YEARS,
BELALAGERE VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT
4. THE MANAGER
ROYAL SUNDARAM ALLIANZ
INSURANCE COMPANY LTD,
BRANCH OFFICE NO.186/7,
RAGHAVENDRA COMPLEX,
WILSON GARDEN,
1ST CROSS, HOSUR MAIN ROAD,
BANGALORE

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI, ADVOCATE FOR R4
VIDE ORDER DATED 19.06.2019,
NOTICE TO R1, R2 AND R3 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 10.04.2015 PASSED IN MVC
NO.482/14 ON THE FILE OF THE 1ST ADDL, SENIOR CIVIL
JUDGE AND 5TH MACT AT DAVANGERE, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN MFA NO. 7231/2015

BETWEEN:

SRI.ARIFULLA
S/O LATIF SAB



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AGE 21 YEARS
R/O HARLIPUR VILLAGE
CHANNAGIRI TALUK
DAVANGERE DISTRICT
NOW RESIDING DOOR NO 1430
KONDAJJI VILLAGE
S J M NAGAR
DAVANGERE - 577 601
DAVANGERE DISTRICT

...APPELLANT

(BY SRI. R SHASHIDARA (NOC), ADVOCATE)

AND:

1. SRI.THIPPESHA
S/O HALAPPA BANUVALLI
AGE 32 YEARS
R/O SANGHAHALLI VILLAGE
CHANNAGIRI TALUK
DAVANGERE DISTRICT - 577 218
2. SRI H V BASAVARAJAPPA
S/O T BSETTYAPPA
AGED ABOUT 46 YEARS
R/O MULLAKERE VILLAGE
GAJANUR POST
SHIMOGA TALUK
NOW RESIDING AT
BELALAGERE VILLAGE
CHANNAGIRI TALUK
DAVANGERE DISTRICT
3. M B CHANNABASAPPA
S/O BASAPPA
AGED ABOUT 51 YEARS
R/O BELALAGERE VILLAGE
CHANNAGIRI TALUK
DAVANGERE DISTRICT
4. THE MANAGER



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ROYAL SUNDARAM ALLIANZ
INSURANCE COMPANY LTD
BRANCH OFFICE NO.186/7
RAGHAVENDRA COMPLEX
WILSON GARDEN 1ST CROSS
HOSUR MAIN ROAD
BANGALORE - 560 035

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI, ADVOCATE FOR R4
VIDE ORDER DATED 12.09.2017,
NOTICE TO R1, R2 AND R3 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 10.04.2015 PASSED
IN MVC NO.483/2014 ON THE FILE OF 1ST ADDITIONAL
SENIOR CIVIL JUDGE AND V MACT, DAVANAGERE, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

COMMON ORAL JUDGMENT

Aggrieved by the order passed in MVC Nos.482/2014 and
483/2014 dated 10.04.2015 by the I Additional Senior Civil
Judge and V MACT at Davanagere, both the claimants are
before this Court seeking enhancement of the compensation.
The Tribunal had disposed of these two claim petitions by way



of a common judgment. Hence, this Court is also passing a common order.

MFA No.7229 of 2015 arising out of MVC No.482/2014

2. The Tribunal had granted the compensation as per the table given below:

SL. No.	Heads		Compensation Awarded	
1.	Loss of future earnings	:	Rs.	1,26,360
2.	Pain and suffering	:	Rs.	74,000
3.	Loss of amenities and discomfort in life	:	Rs.	10,000
4.	Medical expenses, attended charges, traveling expenses and other incidental charges	:	Rs.	49,140
5.	Loss of income during treatment and rest	:	Rs.	13,500
	TOTAL	:	Rs.	2,73,000/-

3. Learned counsel appearing for the appellant submits that, when the accident had taken place in the year 2013, instead of taking the income at Rs.8,000/- per month, the Tribunal had taken it at only Rs.4,500/- per month. It is further submitted that, though the appellant had sustained



disability of 13%, the Tribunal had granted only an amount of Rs.10,000/- under the head of loss of amenities. It is submitted that the amount of compensation that is awarded by the Tribunal is not just and reasonable.

4. Learned counsel appearing for the respondent Insurance Company submits that the Tribunal had considered all the aspects and had granted just and reasonable compensation. No interference is called for.

5. Having heard the learned counsel on either side and perused the material on record.

6. Insofar as pain and suffering and medical and incidental expenses are concerned, the Court has granted reasonable compensation and no enhancement is called for. Coming to the loss of amenities, considering the disability of 13%, this Court is granting an amount of **Rs.35,000/-** under the head of '**loss of amenities**'. Then coming to the '**loss of income during the laid-up period**', the Tribunal had taken the income at 4,500/-. As the accident had occurred in the year 2013, as per the chart prepared by the Karnataka State Legal Services Authority, this Court is taking the income of the



claimant at Rs.8,000/- per month and towards loss of income during the laid up period, this Court is granting an amount of **Rs.21,000/-**. Then coming to the '**loss of future income**', considering the income at Rs.8,000/- and the disability at 13%, this Court is granting an amount of **Rs.2,242640/-** (Rs.8,000 x 18 x 12 x 13/100).

7. The claimant is therefore, entitled to the compensation under the following heads:

SL. No.	Heads		Compensation awarded by the Tribunal		Compensation awarded by this Court
1.	Loss of future earnings 8,000 x 18 x 12 x 13/100	:	Rs.	1,26,360	2,24,640
2.	Pain and suffering	:	Rs.	74,000	74,000
3.	Loss of amenities and discomfort in life	:	Rs.	10,000	35,000
4.	Medical expenses, attended charges, travelling expenses and other incidental charges	:	Rs.	49,140	49,140
5.	Loss of income during treatment and rest	:	Rs.	13,500	24,000
	TOTAL	:	Rs.	2,73,000/-	4,06,780



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8. Altogether, the claimant in MVC No.482/2014 is entitled for compensation of an amount of **Rs.4,06,780/-**.

MFA No.7231/2015 arising out of MVC No.483/2014

9. The Tribunal had granted the compensation as per the table given below:

SL. No.	Heads		Compensation Awarded	
1.	Loss of future earnings	:	Rs.	1,94,400
2.	Pain and suffering	:	Rs.	50,000
3.	Loss of amenities and discomfort in life	:	Rs.	5,000
4.	Medical expenses, attended charges, travelling expenses and other incidental charges	:	Rs.	1,10,100
5.	Loss of income during treatment and rest	:	Rs.	13,500
	TOTAL	:	Rs.	3,73,000/-

10. Learned counsel appearing for the petitioner submits that the accident had taken place in the year 2013, the Tribunal had taken the income at Rs.4,500/- instead of Rs.8,000/-. It is further submitted that even under the head of pain and suffering, the compensation that is awarded by the Tribunal is not reasonable. It is also submitted that, despite the



disability being assessed at 20%, the Tribunal has granted only Rs.5,000/- under the head of loss of amenities. Further, under the head of loss of income during the laid-up period, reasonable compensation has not been granted. Hence, the claimant is before this Court seeking enhancement of compensation.

11. Learned counsel appearing for the respondent Insurance Company submits that the Tribunal had considered all the aspects and had granted just and reasonable compensation. No interference is called for.

12. Having heard the learned counsel on either side, perused the material on record.

13. Considering the injuries sustained by the petitioner, under the head of '**pain and suffering**', this Court is inclined to grant an amount of **Rs.65,000/-**. Coming to the '**loss of amenities**', as the claimant has sustained disability of 20%, this Court is granting an amount of **Rs.30,000/-** towards the loss of amenities. With regard to medical and incidental expenses, the Tribunal had rightly granted compensation and no interference is called for. Coming to the '**loss of income during the laid-up period**' as the accident had taken place in



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the year 2013, this Court is taking notional income of Rs.8,000/-, whereas the Court below had taken 4,500/- under the head. Accordingly, the claimant is entitled for an amount of **Rs.21,000/-**. Towards '**loss of future income**', this Court is granting an amount of **Rs.3,45,600/-** (Rs.8000 x 12 x 18 x 20/100).

14. The claimant is therefore, entitled to the compensation under the following heads:

SL. No.	Heads		Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Loss of future earnings 8000 x 12 x 18 x 20/100	: Rs.	1,94,400	3,45,600
2.	Pain and suffering	: Rs.	50,000	65,000
3.	Loss of amenities and discomfort in life	: Rs.	5,000	30,000
4.	Medical expenses, attended charges, traveling expenses and other incidental charges	: Rs.	1,10,100	1,10,100
5.	Loss of income during treatment and rest	: Rs.	13,500	24,000
	TOTAL	: Rs.	3,73,000/-	5,74,700



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15. Altogether, the claimant in MVC No.483/2014 is entitled for compensation of an amount of **Rs.5,74,700/-**.

16. Accordingly, MFA No.7229/2015 filed by the appeal of the claimant in MVC No.482/2014 is ***partly allowed*** by enhancing the compensation from an amount of Rs.2,73,000 to **Rs.4,06,780/-**.

17. Accordingly, MFA No.7231/2015 filed by the claimant in MVC No.483/2014 is ***partly allowed*** by enhancing the compensation from an amount of Rs.3,73,000/- to **Rs.5,74,700/-**.

- i) The enhanced amount shall carry interest at 6% per annum from the date of petition till the date of realization.
- ii) The respondent No.4-Insurance Company shall deposit the amount within a period of eight weeks from the date of receipt of copy of the judgment. On such deposit, both the claimants are entitled to withdraw the entire amount.



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- iii) 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.
- iv) No costs.
- v) Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 2