



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. 7535 OF 2017

(MV-I)

BETWEEN:

SRI ARUN KUMAR
S/O. VEERANNA H.,
AGED ABOUT 31 YEARS
R/AT NO. 3494,
1ST FLOOR, 6TH CROSS,
GAYATHRINAGAR,
BENGLAURU - 560 029

ALSO AT NO.55, UDUVALLI
VADDARAHALLI,
HIRIYURU TALUK
CHITRADURGA DISTRICT - 572 143

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

AND:

1. SBI GENERAL INSURANCE CO LTD
NO. 3/1, RUKMINI TOWER,



PLATFORM ROAD,
SHESHADRIPURAM,
BENGLAURU - 560 020.
REP. BY ITS MANAGAER

2. EITA INDIA LTD
PLOT NO. 11, SECTOR 24,
FARIDABAD,
FARIDABAD NIT POST OFFICE,
FARIDABAD - 121 001

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R1
VIDE ORDER DATED 03.07.2025,
NOTICE TO R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 27.01.2016 PASSED IN
MVC NO.1126/2016 ON THE FILE OF THE XIX ADDITIONAL
SMALL CAUSES JUDGE, MACT, BENGALURU, (SCCH-17),
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 SMT. JUSTICE LALITHA KANNEGANTI



ORAL JUDGMENT

Aggrieved by the award passed in MVC No.1126/2016 dated 27.01.2016 by the XIX Additional Small Causes Judge and MACT, Bengaluru, the claimant is before this Court seeking enhancement of the compensation.

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

SL. No.	Heads		Compensation Awarded	
1.	Towards pain and suffering	:	Rs.	75,000
2.	Towards attendant charges, extra food and conveyance expenses	:	Rs.	16,000
3.	Towards medical expenses	:	Rs.	5,69,041
4.	Loss of income during laid up period	:	Rs.	24,000
5.	Loss of future income due to permanent disability	:	Rs.	3,06,000
6.	Loss of future amenities and happiness	:	Rs.	30,000
7.	Towards future medical expenses	:	Rs.	20,000
	TOTAL	:	Rs.	10,40,041



3. The learned counsel appearing for the claimant submits that the claimant had sustained as many as six grievous injuries and also including head injury and that the Court had granted only Rs.75,000/- towards pain and suffering. Coming to the loss of income, it is submitted that the Court had taken the monthly income at only 6,000/-. The Court ought to have taken 8,500/- per month as the income. It is further submitted that when the Doctor has assessed the disability at 33% to the whole body, the Court had taken it at only 25%. Further, under the head of loss of amenities, the compensation that is awarded is not just and reasonable. Therefore, it is submitted that the compensation needs to be enhanced.

4. The learned counsel appearing for the respondent Insurance Company submits that the Tribunal has rightly considered the disability at 25%. The doctor has assessed disability with respect to a part of the shoulder affecting the left hand and therefore, the Court had rightly taken the disability at 25% and no interference is called for. It is further submitted that, according to the claimant himself, his income is Rs.7,790/- per month and therefore, the question of taking



Rs.8,500/- does not arise. It is submitted that, on all counts, the compensation that is awarded is just and reasonable.

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

6. Considering the injuries that are sustained by the claimant, under the head of the '**pain and suffering**', this Court is granting an amount of **Rs.85,000/-**. With regard to incidental expenses and medical expenses, the Court had rightly granted the same and no interference is called for. Coming to the '**loss of income during the laid-up period**', though the Chart indicates Rs.8,500/- as the notional income, according to the claimant himself he was earning Rs.7,790/- per month. Hence, this Court taking the income at Rs.7,790/- per month. For the laid-up period of four months, the loss of income would be $\text{Rs.7,790} \times 4 = \text{Rs.31,160/}$. Coming to the loss of future income, as rightly argued by the learned counsel appearing for the Insurance Company, the Tribunal had rightly taken the disability at 25%, since the manner in which the disability was assessed by the Doctor is not correct. Considering the income of the claimant at Rs.7,790/- per



month and considering the age of the claimant, 40% future prospects will come to Rs.3,116/-. Then the income will come to Rs.10,906/-. Accordingly, towards '**loss of future income**', this Court is granting an amount of **Rs.5,56,206/-** (Rs.10,906 × 12 × 17 × 25/100). Towards '**loss of amenities**' considering the 25% disability, this Court is granting an amount of **Rs.55,000/-**. Towards future medical expenses, the Tribunal had rightly granted an amount of Rs.20,000/- and no interference is called for.

7. In the light of the law laid down by the Hon'ble Supreme Court in the case of ***V.Mekala vs. M. Malathi and Another¹***, the claimant is entitled for an amount of **Rs.10,000/-** towards '**legal expenses**'.

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

SL. No.	Heads		Compensation Awarded		Compensation Awarded
1.	Towards pain and suffering	:	Rs.	75,000	85,000

¹ (2014) 11 SCC 178



2.	Towards attendant charges, extra food and conveyance expenses	:	Rs.	16,000	16,000
3.	Towards medical expenses	:	Rs.	5,69,041	5,69,041
4.	Loss of income during laid up period	:	Rs.	24,000	31,160
5.	Loss of future income due to permanent disability $10,906 \times 12 \times 17 \times \frac{25}{100}$	:	Rs.	3,06,000	5,56,206
6.	Loss of future amenities and happiness	:	Rs.	30,000	55,000
7.	Towards future medical expenses	:	Rs.	20,000	20,000
8.	Legal expenses	:	Rs.	-	10,000
	TOTAL	:	Rs.	10,40,041	13,42,407

9. Altogether, the claimant is entitled for compensation of an amount of **Rs.13,42,407 /-**.

10. Accordingly, the appeal of the claimant is **partly allowed** by enhancing the compensation from an amount of Rs.10,40,041 to **Rs.13,42,407 /-**.

- 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.1-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, the claimant is entitled to withdraw the entire amount.
- 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.: 6