



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 6747 OF 2022 (MV-I)

BETWEEN:

MUKHTYAAR.S.,
S/O MR. SATTAR BAIG,
AGED 48 YEARS,
R/AT NO.123/6,
7TH CROSS, 2ND CROSS,
GANDHINAGAR,
K.S.LAYOUT,
BENGALURU CITY - 560 009.

...APPELLANT

(BY SRI. K.VANI, ADVOCATE)

AND:

1. SRI.M. ANJANAPPA,
AGED ABOUT 51 YEARS,
S/O MUNIVENKATAPPA,
NO.4, 6TH CROSS,
SNOW WHITE APARTMENTS G-1,
TELECOM LAYOUT,
VIJAYANAGAR,
BENGALURU CITY - 560 040.
(OWNER OF THE VEHICLE
TOYOTA INNOVA CAR)
2. SHRIRAM GENERAL INSURANCE COMPANY
LIMITED,



NO.1003 M E-8,
RICO INDUSTRIAL AREA,
SITAPURA, JAIPUR,
RAJASTHAN,

BRANCH OFFICE NO. 302,
3RD FLOOR,
S & S CORNER BUILDING,
PLOT NO. 48, SHIVAJI NAGAR,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2
VIDE ORDER DATED: 10.01.2024, NOTICE
TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:03.02.2021 IN
MVC NO.5956/2016 ON THE FILE OF THE MEMBER, MACT,
HOLDING CONCURRENT CHARGE OF MEMBER, MACT, II
ADDITIONAL JUDGE, COURT OF SMALL CAUSES, BENGALURU,
(SCCH-13), PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The injured claimant is in appeal before us seeking enhancement of compensation arising out of judgment and award dated 03.02.2021 in M.V.C.No.5956/2016 passed by Motor Vehicles Claims Tribunal, Bangalore City, SCCH-13 ('Tribunal' for short).

2. The parties are referred to as per their rankings before the Tribunal.

3. The date of accident, involvement of vehicle, injuries sustained and liability to pay the compensation are not in dispute. The only dispute is with regard to quantum of compensation which according to the claimant has not been properly considered by the Tribunal owing to the injuries sustained and disability suffered, so also income taken by the Tribunal.

4. Brief facts leading to filing of this appeal are as under:



In an accident occurred on 31.03.2015, the claimant a driver of auto rickshaw sustained severe injuries to the spine i.e., cervical spine injury resulting in post-traumatic quadriparesis, due to the actionable rash and negligent driving by the driver of the Innova car bearing No.KA-04-C-2206. Immediately after the accident, he was shifted to Shreya Hospital wherein he took first aid treatment and thereafter he was shifted to NIHMANS Hospital and for further treatment he was admitted to Rajarajeshwari Hospital. He was an inpatient for 15 days and underwent surgery. Accordingly, the claimant was before the Tribunal claiming compensation of Rs.50,30,000/- along with interest. In order to prove his case, he examined himself as PW.1 and doctor as PW.2 and produced 22 documents marked as Ex.P1 to P22. The respondent-insurer examined its Legal officer as RW.1 and produced one document as Ex.R1. The Court Commissioner was appointed to examine the petitioner.

5. Ex.P5 discharge summary, as well as Ex.P19 Wound Certificate shows that the claimant has suffered



cervical spine injury resulting in post-traumatic quadriparesis. The claimant has produced Ex.P4 photographs. The Tribunal has observed regarding the photographs in paragraph No.15, stating that in the photographs it was shown that petitioner is in vegetative state. The Tribunal considering the evidence of the doctor wherein he has stated that there is 78% disability to the whole body due to the spinal injury, considered the disability at 50% to the whole body and considered income at Rs.6,000/- per month and awarded total compensation of Rs.7,86,000/- along with 7% interest p.a., from the date of petition till its realisation. It is this judgment and award called in question before us in this appeal, on the ground for enhancement.

6. Heard Smt.Vani, learned counsel appearing for the appellant and Sri.B.Pradeep, learned counsel appearing for respondent No.2/Insurer. Vide order dated 10.01.2024, notice to respondent No.1 is dispensed with.



7. Smt.Vani, with all the vehemence submits that the injuries suffered is a cervical spine injury which has resulted in post-traumatic quadriparesis. The claimant has lost strength in all the four limbs and bedridden and is in a vegetative state. He was earlier working as a driver of auto rickshaw and earning Rs.30,000/- per month. The Tribunal has failed to consider this aspect of the matter as well as the year of the accident being 2015 and erred in taking the income at Rs.6,000/- and reducing the disability to 50% against the evidence of the doctor and awarded a meager compensation. She further submits that the compensation awarded under the head pain and suffering and amenities are on lower side. So also the future earning and attending charges are on lower side. She submits that since the claimant is confined to bed, he requires one attendant for his day to day requirements and sought enhancement of compensation.

8. Sri.B.Pradeep in contrast submits that the Tribunal having considered the age, occupation and disability, awarded appropriate compensation under all



heads and no Interference is required in the judgment of the Tribunal at the hands of this Court, since the compensation awarded is just and proper.

9. Having considered the rival submissions, the only point that would arise for our consideration is:

*Whether the claimant has made out
any case for enhancement?*

10. Our answer to the above point for consideration is ***Partly in Affirmative*** for the following:

REASONS

11. It is not in dispute that the applicant has suffered cervical spine injury resulting in post-traumatic quadriparesis. Photographs Ex.P4, shows that the claimant is bedridden. The claimant was an inpatient for 15 days and underwent a surgery. He was 42 years at the time of accident and now he is 52 years. Since he is confined to bed, he is not in a position to carry out even his day to day affairs. An attendant is required for taking care of his day to day requirements.



12. The injury suffered is a cervical spine injury. The disability stated by the doctor is 78%. However, the Tribunal has erred in law in considering the same at 50%. Accordingly, we are of the considered opinion that if 75% disability is considered, it would meet the ends of justice.

13. So far as income is concerned, the Tribunal has considered Rs.6,000/- per month. As per the chart prepared by the Karnataka State Legal Services Authority for settling claim before the Lok-Adalat for the year 2015, the income shown is Rs.9,000/-. The claimant has produced his driving licence at Ex.P8. Considering the fact that the plaintiff was having driving licence to drive the auto rickshaw, which is a skilled labour. We are of the opinion that, if a sum of Rs.400 is taken as income per day, the same would come to Rs.12,000/- per month. The same is considered as income of the claimant.

14. As seen from judgment and award of the Tribunal, the compensation awarded under the head 'pain



and suffering' and 'amenities' requires to be enhanced. In view of taking higher income and disability and considering the attendant charges, the compensation awarded by the Tribunal requires re-determination. Since the photographs produced show that the petitioner is bedridden over a period of time, he may develop bedsore which requires constant medications. Considering this aspect of the matter and the age of the claimant, the future medical expenses awarded requires consideration. On re-determination, the claimant is entitled for compensation under the following heads:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and Suffering	80,000-00	1,00,000-00
2.	Food and Nourishment, conveyance	20,000-00	20,000-00
3.	Medical expenses	68,000-00	68,000-00
4.	Loss of income during the period of treatment	50,000-00	50,000-00
5.	Loss of future earnings	4,68,000-00	17,55,000-00 (12,000+25%x75%x12x13)
6.	Loss of amenities	80,000-00	1,50,000-00
7.	Future medical expenses	20,000-00	1,00,000-00
8.	Attendant charges	-	4,68,000-00 (3000x12x13)
	TOTAL	7,86,000-00	27,11,000-00



16. After deducting the compensation awarded by the Tribunal, the enhancement comes to **Rs.19,25,000/-** (27,11,000 - 7,86,000) which shall carry interest at 6% p.a., awarded by the Tribunal. Accordingly, we proceed to pass the following:

ORDER

- i. The Appeal is ***allowed-in-part***.
- ii. The judgment and award dated 03.02.2021 in M.V.C.No.5956/2016 passed by Motor Vehicles Claims Tribunal, Bangalore City, SCCH-13, is modified and the compensation is enhanced. The claimant is entitled for enhanced compensation of **Rs.19,25,000/-** which shall carry interest at the rate of 6% per annum from the date of petition till its realisation.
- iii. The respondent No.2-insurer shall deposit entire enhanced compensation along with



accrued interest before the concerned Tribunal within six weeks from the date of receipt of copy of this order.

- iv. Upon deposit, 50% shall be released in favour of the claimant on proper identification and 50% shall be kept in deposit in an interest bearing FDR with any nationalized bank for a period of 5 years, with liberty to withdraw periodical interest.
- v. The bank shall not permit any loan on the amount in deposit without further orders from the Tribunal/Court.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

PK
List No.: 2 Sl No.: 10
ct-vn