



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.5461 OF 2024(MV-I)

BETWEEN:

SHRI. NAVEEN KUMAR B.V.,
SON OF VENKATESHAPPA,
NOW AGED ABOUT 26 YEARS,
RESIDING AT BYRASANDRA VILLAGE,
JANGAMAKOTTE HOBLI,
SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT.

...APPELLANT

(BY SMT.SUSHMITHA G., ADVOCATE)

AND:

1. SHRI. MANJUNATHA N,
SON OF NARAYANASWAMY,
MAJOR IN AGE,
RESIDING AT
KERE KODI RASTHE,
VIJAYAPURA TOWN,
BENGALURU RURAL DISTRICT.

2. UNIVERSAL SOMPO GENERAL
INSURANCE CO.LTD.,
3RD FLOOR, K.V.V.SMARAT,
217/A, 3RD MAIN,
OUTER RING ROAD,
KASTURINAGAR,

Digitally signed
by
PADMASHREE
SHEKHAR DESAI
Location: High
Court of
Karnataka



NC: 2026:KHC:16506
MFA No. 5461 of 2024

BENGALURU - 560 043.
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI.S.V.HEGDE MULKHAND, ADVOCATE FOR R2;
NOTICE TO R1 DISPENSED WITH VIDE ORDER DATED
19.09.2024)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17.01.2024 PASSED IN MVC
NO.3511/2022 ON THE FILE OF THE III ADDITIONAL JUDGE
AND MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU
SCCH-18, 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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal under Section 173(1) of the M.V. Act
arises from the judgment and award dated 17.01.2024
passed by the Court of the III Addl. Small Causes Judge &
A.C.M.M. Bengaluru, in M.V.C.No.3511/2022.



2. The appellant/claimant, who sustained injuries in a road traffic accident on 24.05.2022 filed a claim petition under Section 166 of the Motor Vehicles Act, 1989, seeking compensation amount of Rs.20,00,000/-. The Tribunal awarded a total compensation of Rs.8,87,122/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Being dissatisfied with the quantum of compensation, the claimant is before this Court.

3. Heard the learned counsel for the appellant and the respondent - Insurance Company and perused the trial Court records.

4. It is mainly contended that though the petitioner examined the doctor as PW-2, who assessed the disability at 38%, to the right upper limb and physical orofacial disability and disfigurement with respect to mandibular fracture 20% and to the whole body at 39% but the Tribunal erred in taking the disability at only 15%.



Therefore, requested for enhancement of the compensation.

5. The learned counsel for the respondent-Insurance company has stated that the Tribunal has considered the material aspects and has rightly taken the disability and the same does not call for interference.

6. Though it is contended that the claimant was aged about 23 years and was a mason and was earning Rs.20,000/- per month, no documentary evidence has been produced to substantiate the same. In the absence of proof of income, the Tribunal has rightly considered the notional income at Rs.15,500/- per month for the accident occurred in the year 2022, as per the chart prepared by Karnataka State Legal Services Authority and multiplier is taken at '18'.

6. Admittedly, the claimant sustained following injuries:

1] Grade II liver injury,



2] Right arm fracture of shaft of humerus,
3] #Maxilla, # Mandible.

He underwent surgery in the form of:
On 27.05.2022- ORIF with LC DCP for right Humerus
On 01.06.2022- ORIF with Mandible and Maxilla.

Pain and difficulty in using [Rt] upper limb for
activities of daily living.

H/o. inability to lift weight and carry out over head
activities.

H/o. inability to work as a Mason.

O/E.:

- Wasting of [Rt] shoulder girdle and upper limb is
seen.
- Surgical scars and Keloid are seen over [Rt]
shoulder and Arm.
- Puffiness of [Rt] sided face is seen.

His recent X-Ray No.37715 / 26.10.2023 shows:-

United # Shaft Humerus with implants in situ.

7. As per evidence of P.W2, the claimant has
sustained injury causing total disability of right upper limb
at 38% and to the whole body at 19% . The Tribunal erred
in taking the same as 15% without any basis and it is to
be taken as 1/3rd if 38% is 19%. Therefore, loss of future



earning capacity comes to Rs. **6,36,120/-** (Rs.15,500 X 12 X 18 X 19%).

8. The Tribunal has awarded **Rs.2,09,422/-** towards medical expenses, which is confirmed. The petitioner was hospitalized for a period of 11 days. Considering the nature of the injuries, period of hospitalization and other relevant factors, this Court finds it reasonable, **Rs.40,000/-** towards loss of amenities and **Rs.40,000/-** towards transportation, extra nourishment, and attendant charges. **Rs.70,000/-** towards pain and suffering awarded by the Tribunal is confirmed. The petitioner might not have done any other work at least for a period of 2 months. Therefore, **Rs.46,500/-** (15,500x3) is to be granted under the head loss of income during laid up period. **Rs.50,000/-** towards future medical expenses.

9. Thus in all, compensation awarded by this Court is as below:



Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	70,000/-
2	Towards medical expenses	2,09,422/-
3	Towards loss of amenities	40,000/-
4	Towards transportation, extra nourishment and attendant charges	40,000/-
5	Towards loss of income during laid up period	46,500/-
6	Towards loss of future earning capacity	6,36,120/-
7	Towards Future Medical Expenses	50,000/-
	Total	10,92,042/-

10. Hence, the appellant-claimant is entitled for a total compensation of Rs. **10,92,042/-** along with interest at the rate of 6% p.a.

11. In the result, the following order is passed:

ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 17.01.2024 passed by the Court of the III Addl. Small Causes Judge & A.C.M.M. Bengaluru, in M.V.C.No.3511/2022 is modified.



iii. The claimant is entitled to a sum of **Rs. 10,92,047/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.8,87,122/- granted by the tribunal.

iv. Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.2,04,920/-** along with the interest at the rate of 6% within one month from the date of this order.

v. On such deposit, the claimant is permitted to withdraw the same along with accrued interest on it.

Sd/-
(P SREE SUDHA)
JUDGE