



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 3658 OF 2013 (MV)

BETWEEN:

SRI H N SRINIVASA REDDY
S/O LATE H A NARAYANA REDDY
AGED ABOUT 38 YEARS
RESIDENT OF B HOSAHALLI
SARJAPUR HOBLI
ANEKAL TALUK
BANGALORE DISTRICT

...APPELLANT

(BY MISS. SHALINI C, ADVOCATE FOR
SRI. NINGARAJA M N, ADVOCATE)

AND:

1. M/S RELIANCE GENERAL INSURANCE
CO.LTD., BY ITS MANAGER
P9OLICY SERVING OFFICE
ENVIRON TOWERS,
NO.60/4, HOSUR MAIN ROAD
ELECTRONIC CITY
BANGALORE-560100
2. SAIKANTH KUMAJR BANIK
MAJOR
S/O AJITH KUMAR BANIK
NO. E-3, SILICON GARDEN
3RD FLOOR, 12TH MAIN ROAD

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



5TH PHASE, J P NAGAR
BANGALORE-560078

...RESPONDENTS

(BY SRI. D.VIJAYA KUMAR, ADVOCATE FOR R1
NOTICE TO R2 IS DISPENSED WITH V/O DTD 24.7.2015)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 8.6.2012 PASSED IN MVC NO.874/2011 ON THE FILE OF THE MEMBER, PRL. MACT, AND CHIEF JUDGE, COURT OF SMALL CAUSES, BANGALORE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

1. The above appeal is filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988¹ challenging the judgment and award dated 08.06.2012 passed in MVC No.874/2011 by the Member, Prl. MACT., & Chief Judge Court of Small Causes, Bangalore², wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of

¹ Hereinafter referred to as 'Act'

² Hereinafter referred to as 'Tribunal'



₹1,93,278/- together with interest at 6% pa. The appellant/claimant seeks for enhancement of compensation.

2. The findings of the Tribunal on negligence and liability are not under challenge and have attained finality. Hence, the only aspect that is required to be considered in the present appeal is with regard to the adequacy of the quantum of compensation awarded by the Tribunal.

3. The claimant was aged 36 years as on the date of the accident i.e., as on 23.11.2010. The claimant was stated to be a mason. However, no documents have been produced to demonstrate his income. The Tribunal has assessed the income of the claimant at ₹4,500/- per month. Having regard to the date of the accident, the notional income of the claimant is re-assessed as ₹5,500/- per month. Having regard to the age of the claimant, it is appropriate to apply a multiplier of '15'.

4. The wound certificate (Ex.P5), discharge summary (Ex.P6), testimony of the Doctor (PW2) and other medical records indicate that the claimant has sustained the following injuries:

- i. Multiple ribs fracture left side 1 to 8;



- ii. Right clavicle fracture - lateral end;
- iii. Left Scapular Comminuted fracture;
- iv. Hemopneumothorax

5. The claimant was treated as an inpatient from 23.11.2010 to 03.12.2010. Although the Doctor has deposed that the claimant had sustained a disability of 20%, the Tribunal has disbelieved the testimony of the Doctor. However, the medical evidence on record indicates that the claimant had sustained multiple fractures.

6. The discharge summary (Ex.P6) does not indicate that the claimant was surgically treated. However, having regard to the nature of injuries sustained and the medical evidence on record, it is just and proper that the disability of the claimant be assessed at 7% to the whole body.

7. Having regard to the aforementioned, the compensation is re-assessed as under:

7.1. The compensation awarded by the Tribunal towards injury, pain and suffering in a sum of ₹50,000/- and



medical expenses in a sum of ₹1,11,278/- are just and proper;

7.2. Having regard to the nature of injuries sustained, the laid up period is re-assessed as three months and a compensation of (₹5,500 x 3) ₹16,500/- is awarded towards the same as against ₹9,000/- awarded by the Tribunal;

7.3. Having regard to the nature of injuries sustained and the period of treatment, the compensation towards attendant charges and conveyance is re-assessed as ₹15,000/- as against ₹8,000/- (₹6,000/- + ₹2,000/-) awarded by the Tribunal;

7.4. Having regard to the nature of injuries sustained and the period of treatment, a compensation of ₹20,000/- is awarded towards loss of amenities as against ₹15,000/- awarded by the Tribunal;

7.5 The future loss of earning capacity is re-assessed as (₹5,500 x 12 x 15x7%) ₹69,300/-;

8. Hence, the compensation is re-assessed as under:



Sl.No	Compensation Head	Amount Awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1	Injury, pain and suffering	50,000.00	50,000.00
2	Medical expenses	1,11,278.00	1,11,278.00
3	Loss of income during laid up period	9,000.00	16,500.00
4	Attendant charges	6,000.00	15,000.00
5	Conveyance charges	2,000.00	
6	Loss of amenities in life	15,000.00	20,000.00
7	Loss of future earning capacity	00	69,300.00
	Total	1,93,278.00	2,82,078.00

9. Accordingly, the claimant is entitled to enhanced compensation of (₹2,82,078/- - ₹1,93,278/-) = ₹88,800/-.

10. In view of the aforementioned, the following:

ORDER

- i) The appeal is allowed in part;
- ii) The judgment and award dated 08.06.2012 passed in MVC No.874/2011 by the Member, Prl. MACT., & Chief Judge Court of Small Causes, Bangalore is hereby modified to the extent ordered herein. In all other respects, the judgment and award of the Tribunal remains unaltered;



- iii) The appellant/claimant is entitled to enhanced compensation of ₹88,800/- together with interest at 6% per annum from the date of petition till its realization in addition to the compensation awarded by the Tribunal;
- iv) Respondent No.1 – insurer is directed to deposit the said compensation together with accrued interest within a period of six weeks from the date of receipt of a copy of this judgment;
- v) Upon such deposit, the entire enhanced compensation together with interest accrued thereupon be disbursed to the claimant;
- vi) The Registry to draw the modified award accordingly;
- vii) Records be transmitted to the Tribunal forthwith.

No costs.

Sd/-
(C.M. POONACHA)
JUDGE