



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. 5079 OF 2017

(MV-I)

BETWEEN:

B S AJAY

S/O S SHANKAR

AGED ABOUT 22 YEARS

R/A NO.825, MUTHUSIDDU NILAYA

9TH CROSS,

CHAMUNDESWARI NAGAR

MANDYA CITY - 571 401

...APPELLANT

(BY SRI. K.L. SREENIVAS, ADVOCATE)

AND:

1. SHIVARAMA HERLE

S/O ANANDARAMA HERLE

AGE:MAJOR

R/A NO.125, 4TH CROSS

DESIGN LAYOUT

VIDYARANYAPURAM



BENGALURU-5600

2. THE NEW INDIA ASSURANCE CO LTD
JLB ROAD,
CHAMUNDIPURAM
MYSURU - 570 001
R/BY THE BRANCH MANAGER

...RESPONDENTS

(BY SRI. C.R. RAVISHANKAR, ADVOCATE FOR R2
VIDE ORDER DATED 03.07.2025,
NOTICE TO R1 IS HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 04.03.2017 PASSED
IN MVC NO.975/2014 ON THE FILE OF THE I ADDITIONAL
SENIOR CIVIL JUDGE AND CJM, MANDYA, 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.975/2014 dated 04.03.2017 by the I Additional Senior Civil Judge and CJM, Mandya, the claimant is before this Court seeking enhancement of the compensation as well as questioning the liability that is fixed on the owner of the vehicle.

2. The facts of the case are that the petitioner is a student pursuing his first year B.E. at Sampurna Engineering College, Channapatna. On 16.03.2014, at about 3:00 p.m., the petitioner, along with his friends, had gone to have coffee near the V.C. Farm. While they were crossing the Bengaluru-Mysuru road and when they were about to cross the said road, a car bearing registration No.KA-02/P-0508, driving the car in a rash and negligent manner, came from the Mysuru side and hit the claimant, thereby causing the accident.

3. The Tribunal had held that the accident occurred because of the rash and negligent driving of the driver of the offending vehicle. The only dispute in the present case is with regard to the registration number of the car. According to the



petitioner, the vehicle number is KA-02/P-0508. However, based on the complaint given by the appellant/claimant, the police have filed a charge sheet against the vehicle bearing registration No.KA-20/P-0508. But Exhibits P1 to P4 reveal that the registration number of the car is KA-20/P-0508, whereas the police report, the claim petition and the affidavit revealed the number as KA-02/P-0508.

4. The Tribunal had observed that the petitioner has throughout maintained the registration number of the car as KA-02/P-0508. The charge sheet has also been filed in respect of the vehicle bearing registration No. KA-02/P-0508. Considering the fact that the said number has been consistently mentioned in the petition and police records, the Tribunal had held that, as the said vehicle was not insured with the respondent, the owner of the vehicle is liable to pay the compensation. The owner of the vehicle remained *ex-parte* before the Trial Court and even before this Court, service of notice on him is held to be sufficient.

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



SL. No.	Heads		Compensation Awarded	
1.	Loss of disability	:	Rs.	2,80,800/-
2.	Medical Expenses (including inpatient bill etc.,)	:	Rs.	1,72,000/-
3.	Pain and suffering	:	Rs.	10,000/-
4.	Travelling expenses	:	Rs.	27,700/-
	TOTAL	:	Rs.	4,90,500/-

6. Learned counsel appearing for the claimant submits that the liability ought to have been fixed on the owner of the vehicle bearing registration No. KA-20/P-0508, as the said vehicle was involved in the accident. However, the Tribunal, without considering these aspects, has fixed the liability on the owner of the vehicle bearing registration No. KA-02/P-0508. It is further submitted that, under the head of pain and suffering, the compensation awarded by the Tribunal is not reasonable. Coming to the loss of income during the laid-up period, the Tribunal had taken the income at Rs.6,500/- instead of Rs.8,500/-. Further, though the doctor has assessed the disability at 30%, the Tribunal had taken it at only 20% and no amount has been awarded under the head of loss of amenities.



It is submitted that on all counts, the compensation needs to be enhanced.

7. Learned counsel appearing for the Insurance Company submits that the Tribunal had rightly considered all these aspects and had correctly held the owner of the vehicle bearing registration No.KA-02/P-0508 liable to pay the compensation.

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

9. Coming to the aspect of liability, as rightly observed by the Tribunal, it has rightly come to the conclusion and fixed the liability on the vehicle bearing registration No. KA-02/P-0508, as it is the consistent case of the petitioner that the said vehicle was involved in the accident. It is submitted that, in fact, a petition was filed seeking correction. However, the said correction was not made and the judgment in the criminal case has already been pronounced.

10. In view of all these discrepancies and as the vehicle bearing registration No. KA-02/P-0508 does not have valid



insurance, the Tribunal had fixed the liability on the owner of the vehicle. Coming to the compensation, considering the four injuries sustained by the claimant, under the head of '**pain and suffering**' this Court is granting an amount of **Rs.40,000/-**. Towards medical and incidental expenses, the Tribunal had rightly granted the compensation and no interference is called for.

11. Coming to the '**loss of income during the laid-up period**', as the accident had taken place in the year 2014, considering the income of the claimant at Rs.8,500/- per month, for three months, this Court is granting an amount of **Rs.25,500/-** (Rs.8,500 x 3). Then coming to the loss of future income due to disability, the Tribunal had rightly considered the disability at 30%. However, based on the evidence of the Doctor, the Tribunal has rightly taken the disability at 20% and not 30% as deposed. Hence, towards '**loss of future income due to disability**', this Court is granting an amount of **Rs.3,67,200/-** (Rs.8,500 x 12 x 18 x 20/100). Considering the disability at 20%, this Court is granting an amount of **Rs.40,000/-** under the head of '**loss of amenities**'.



12. 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**.

13. 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 disability	:	Rs. 2,80,800/-	3,67,200/-
2.	Medical Expenses (including inpatient bill etc.,)	:	Rs. 1,72,000/-	1,72,000/-
3.	Pain and suffering	:	Rs. 10,000/-	40,000/-
4.	Travelling expenses	:	Rs. 27,700/-	27,700/-
5.	Loss of income during laid-up period (8500 x 3)	:	Rs. 00/-	25,500/-
6.	Loss of amenities	:	Rs. 00/-	40,000/-
7.	Legal expenses	:	Rs. 00/-	10,000/-
	TOTAL	:	Rs. 4,90,500	6,82,400/-

14. Altogether, the claimant is entitled for compensation of an amount of **Rs.6,82,400/-**.

¹ (2014) 11 SCC 178



15. Accordingly, the appeal of the claimant is ***partly allowed*** by enhancing the compensation from an amount of Rs.4,90,500/- to **Rs.6,82,500/-**.

- i) The enhanced amount shall carry interest at 6% per annum from the date of petition till the date of realization.
- ii) The owner of the vehicle is liable to pay the compensation.
- iii) The owner of the vehicle 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.
- iv) 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
- v) No costs.
- vi) Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE