



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 7135 OF 2024 (MV-I)

BETWEEN:

SRI. RUDRESH GOWDA
S/O NAGENDRA,
NOW AGED ABOUT 20 YEARS,
RESIDING AT:
VADDARAKUPPE VILLAGE,
KALLANAKUPPE POST,
MARALAWADI HOBLI,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT-562 121.

...APPELLANT

(BY SRI. GIRIMALLAIAH.,ADVOCATE)

AND:

1. IFFCO-TOKIO GENERAL
INSURANCE COMPANY LTD.,
SHANTHI TOWER, 5TH FLOOR,
NO. 141, 3RD MAIN, EAST OF NGEF LAYOUT,
KASTHURINAGAR,
BENGALURU - 560 043.
BY ITS MANAGER.
2. MR RAVI K S
S/O SHIVALINGAIAH,
MAJOR,
(AGE OD R-2 NOT KNOWN
TO APPELLANT)
NO. 12, SSS BUILDING,
A V ROAD, CHAMARAJAPET,
BENGALURU - 560 018.
3. CHOLAMANDALAM MS
GENERAL INSURANCE COMPANY LTD.,

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka



UNIT IV, 9TH FLOOR, LEVEL -06,
GOLDEN HEIGHTS COMPLEX,
59TH 'C' CROSS, INDUSTRIAL SUBURB,
RAJAJINAGAR 4TH 'M' BLOCK,
BENGALURU - 560 010.
BY ITS MANAGER.

4. MR NAGENDRA
S/O PUTTASWAMY GOWDA
MAJOR
(AGE OF R-4 NOT KNOWN
TO APPELLANT)
NO. 17, VADDARAKUPPE VILLAGE,
KALLANAKUPPE POST,
MARALAWADI HOBLI,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT-562 121.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE FOR R1
(VK NOT FILED), V/O DATED 01.08.2025 NOTICE TO
R2 AND R4 IS D/W, SRI. MALLIKARJUNA REDDY N.A.,
ADVOCATE FOR SRI. B. PRADEEP, ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 01.08.2024 PASSED IN MVC
NO.1794/2022 ON THE FILE OF THE MEMBER, MACT, XIX
ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MACT,
BENGALURU SCCH17, 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 is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 01.08.2024 passed in MVC No.1794/2022 on the file of the Member, MACT, XIX Additional Judge, Court of Small Causes, MACT, Bengaluru, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondents. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. The Injured claimant met with an accident on 26.01.2022 and filed a claim petition claiming compensation of Rs.20,00,000/-. The Tribunal considering the entire evidence on record, granted an amount of Rs.3,85,300/- with interest at the rate of 6% p.a., from date of petition till realisation.

4. Aggrieved by the said award, they preferred an appeal and mainly contended that tribunal granted inadequate compensation. It is submitted that the petitioner sustained grievous injuries. At the time of accident, he was aged 17 years and studying II PUC in Government College, Kanakapura and also doing agriculture and earning Rs.20,000/- per month. They



examined the doctor and he assessed the disability of the lower limb as 59% and the whole body as 19%. It is further submitted that the injured was treated as inpatient for a period of 15 days and the amount granted under the other heads is meager. Therefore, requested for enhancement of the compensation.

5. Learned counsel for the respondent submitted that the Tribunal relied the principles laid down in the judgment passed by Hon'ble Supreme Court in case of **Master Mallikarjun v. Divisional Manager, National Insurance Co. Ltd.**, reported in **(2014) 14 SCC 396** as petitioner was aged 17 years at the time of accident and granted compensation under the relevant heads. Admittedly, at the time of filing application, the petitioner was represented by his father, however, by the time he adduced evidence, he had attained the age of majority and he himself deposed before the court. Though he stated that he was earning Rs.20,000/- per month he has not filed any income proof. As he met with an accident in the year 2022 his notional income is to be taken as Rs. 15,500/- as per the chart prepared by Karnataka State Legal Services Authority. The petitioner was aged 17 years at the time of accident and the relevant



multiplier is 18. Ex.P4 is the wound certificate and Ex.P6 is the discharge summary. The Petitioner also examined PW2/orthopedic surgeon who deposed that the petitioner sustained compound bimalleolar fracture (L) ankle and underwent spinal anesthesia debriment and external fixator application to the left ankle. Thereafter, once again the spinal anesthesia wound debridement and free flap cover to the ankle wound was done. The doctor has assessed the permanent disability at 59% to the left lower limb and 19% to the whole body. This court finds it reasonable to take 1/3rd of 59% i.e., 20%. As a petitioner sustained 20% disability, he is also entitled for future prospects as per the citation in ***the New India Assurance Co. Ltd. v. Abdul & Anr.,*** in ***MFA No.103807/2016 (MV)***, passed by co-ordinate bench of this court in which it was held that if the disability is to the extent of 20%, future prospects to be added. Petitioner is entitled for 40% towards future prospects. Therefore, loss of future earning capacity is calculated at Rs.15,500 + 40% x 12 x 18 x 20% = **Rs.9,37,440/-**. The petitioner incurred medical expenses of **Rs.25,300/-** as per Ex.P12 and Ex.R6, the said amount is confirmed. He was hospitalized for a period of 15 days. Considering the nature of injuries, period of



hospitalization and other relevant factors, this Court finds that it is just and reasonable to grant an amount of **Rs.60,000/-** for pain and suffering, **Rs.30,000/-** for loss of amenities and **Rs.40,000/-** for transportation, extra nourishment and attendant charges. The petitioner might not have attended any other work at least for a period of 4 months. Therefore, **Rs.62,000/-** is to be granted under the head loss of income during laid up period.

6. Thus in all, components awarded by this court are as below,

Sl.Nos.	Particulars	Amount in Rs.
1	Loss of future earning capacity	9,37,440
2	Pain and suffering	60,000
3	Loss of amenities	30,000
4	Transportation, extra nourishment and attendant charges.	40,000
5	Loss of income during laid down period	62,000
6	Medical expenses	25,300
	Total	11,54,740



Hence, the compensation granted by tribunal is enhanced from Rs.3,85,300/- to **Rs.11,54,740/-** along with interest at the rate of 6% p.a.

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

ORDER

- i. Appeal is **allowed** in part.
- ii. The judgment and award dated 01.08.2024 passed in MVC No.1794/2022 on the file of the Member, MACT, XIX Additional Judge, Court of Small Causes, MACT, Bengaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.11,54,740/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,85,300/- granted by the tribunal.
- iv. The tribunal stated that respondent No.1 alone is liable to pay the compensation and exonerated respondent No.3. Therefore, respondent No.1/IFFCO Tokio General



Insurance Company Ltd., is directed to deposit the enhanced compensation of **Rs.7,69,440/-** along with the interest at the rate of 6% within one month from the date of this order.

- v. On such deposit, claimant is permitted to withdraw the entire amount along with interest accrued on the same.
- vi. Registry is directed to return the Trial Court records to the Tribunal, immediately.

Sd/-
(P SREE SUDHA)
JUDGE

AKV
CT:NR
List No.: 1 Sl No.: 70