



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 8433 OF 2024 (MV-I)

BETWEEN:

1. SRI SRINIVAS R,
S/O RAMESH,
NOW AGED ABOUT 21 YEARS,
RESIDING AT:
SHANUMANGALA
RAMANAGARA TALUK AND DISTRICT,
PIN - 562 109.
SINCE THE APPELLANT
SUFFERING HEAD INJURY
IMPERIMENT DUE TO NEUROLOGICAL
DEFECT, UNABLE TO UNDERSTAND
THE CONTEST THE APPEAL
HENCE REPRESENTED
BY HIS FATHER
SRI RAMESH S/O VENKATESHAPPA

...APPELLANT

(BY SRI. CHANDRASHEKARAIHAH B., ADVOCATE)

AND:

1. TATA AIG GENERAL INSURANCE COMPANY LTD.,
NO 69, 3RD FLOOR, J P AND DEVI,
JAMBUKESHWAR ARCADE,
MILLERS ROAD,
NEAR CHANDRIKA HOTEL,

Digitally signed
by
PADMASTREE
SHEKHAR DESAI

Location: High
Court of
Karnataka



VASANTH NAGAR,
BENGALURU - 560 052
BY ITS MANAGER

2. THE PRINCIPAL
GHOUSAI COLLEGE OF ENGINEERING,
RAMANAGARA TOWN
RAMANAGARA TALUK AND DISTRICT - 562 159
...RESPONDENTS
(BY SRI. RAVI SHANKAR S SAMPRATHI, ADVOCATE FOR
R1

VIDE ORDER DATED 17.01.2025, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 05.06.2024 PASSED
IN MVC NO.2275/2020 ON THE FILE OF THE COURT OF
THE MEMBER, MACT, XIX ADDITIONAL JUDGE, COURT OF
SMALL CAUSES, BENGALURU, SCCH-17, 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 MRS. JUSTICE P SREE SUDHA



ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of the Motor Vehicles Act, 1988 challenging the judgment and award dated 05.06.2024 passed in MVC No.2275/2020, by the Member, MACT, XIX Additional Judge, Court of Small Causes, Bengaluru, for enhancement of compensation.

2. Heard the arguments of the learned counsel for the appellant and the learned counsel for respondent No.1-Insurance Company.

3. The petitioner/injured claimant met with an accident on 17.02.2020 and filed a claim petition claiming compensation of Rs.10,00,000/- before the Tribunal. The Tribunal considering the entire evidence on record, granted an amount of Rs.5,76,000/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realisation. Aggrieved by the said order, the claimant has preferred this appeal.



4. Learned counsel for the appellant contended that the claimant sustained grievous injuries and spent Rs.2,00,000/- towards medical expenses. He was aged 17 years, studying in 10th standard and assisting his parents in agriculture work, earning Rs.15,000/- per month. The Tribunal relied upon the judgment in ***Master Mallikarjun Vs. Divisional Manager, National Insurance Company Ltd., and Another*** reported in **(2014) 14 SCC 396** and granted the compensation. But the notional income of the appellant, future prospects and multiplier are not considered while calculating the compensation.

5. It is further submitted that the petitioner examined the doctor as PW3, who assessed the disability as 40%. Motor system disability and cognitive disability are permanent in nature. The claimant was hospitalized for a period of five days. The compensation awarded by the Tribunal under other heads is meager. The Tribunal has granted Rs.50,000/- towards laid up period for the



parents. Therefore, requested for enhancement of the compensation.

6. Learned counsel for respondent No.1 stated that the petitioner was aged 17 years at the time of the accident and he met with an accident in the year 2020. The minimum wages for the said year is Rs.12,752/- per month for a skilled worker. Learned counsel for the appellant requested this Court to rely upon the chart prepared by the Karnataka State Legal Services Authority for considering the notional income for the year 2020. He further filed the study certificate issued by the school, in which it was mentioned that the claimant left the school on 20.03.2020 ie., one month after the date of accident.

7. The petitioner also examined the doctor as PW3, who is a Senior Consultant Neurosurgeon. The doctor treated the petitioner personally and stated that the petitioner sustained multiple grievous injuries as follows:

- i) Left temporal lobe haemorrhagic contusions.



- ii) Cerebral oedema.
- iii) B/L tentorium cerebelli hyperdense.
- iv) Right frontal bone undisplaced fracture.
- v) Fracture of sinus walls, floor of anterior cranial fossa etc.,
- vi) Multiple Facial bone fractures.

8. The doctor further stated that the petitioner was admitted for treatment of traumatic brain injury. His CT brain showed above-mentioned surgeries. He was managed conservatively/medically for the brain injury in the ICU with analgesics, antibiotics, PPI, cerebral antioedema measures and neuroprotectives. He was advised to continue follow-up on an OPD basis. Based on the observations of the doctor on 28.09.2022, below is the disability assessment report:

- i) Combined neurobehavioral and cognitive disability- minimum of 40% disability.

Based on Neuropsychological assessment, IDEAS score-08=40-70% disability.



ii) Motor system disability - 40%

Based on mRS scale patient comes under category 2.

9. He further stated that the petitioner has a permanent neurological disability of 40% and the final whole body disability due to permanent physical impairment resulting from neurological conditions is 40% due to the head injury.

10. Learned counsel for respondent No.1 stated that the disability assessment was based on a psychologist's report, but the said psychologist is not examined before the Court. Based on the said assessment report, PW3 gave his opinion, and the disability assessed by him is excessive. Admittedly, PW3 is a Senior Consultant Neurosurgeon and he considered the report and also other documents. In fact, he treated the petitioner and therefore, this Court finds it reasonable to take the disability of 40% as assessed by PW3.



11. As the counsel for respondent No.1 stated that the minimum wages for the year 2020 is Rs.12,752/-. He has noted down the said amount on verification of the same in the website, but the copy of the same is not furnished before this Court. Whenever there is no income proof, this Court relies upon the chart prepared by the Karnataka State Legal Services Authority. As he met with an accident in the year 2020, this Court find it reasonable to take the notional income as Rs.14,500/- per month as per the chart prepared by Karnataka State Legal Services Authority. As he was aged 17 years, the multiplier applicable is 18. The disability is assessed as 40%. He is also entitled for future prospects at the rate of 40% as it is more than 20% as per the citation reported in MFA No.103807/2016 ***New India Assurance Company Vs. Abdul S/o. Mehaboob Tahasildar and others***. Thus, the loss of future earning capacity comes to Rs.14,500/- + 40% x 12 x 18 x 40% **Rs.17,53,920/-**.



12. The petitioner incurred **Rs.1,26,000/-** towards medical expenses and the Tribunal granted the same. Therefore, the said amount is confirmed by this Court. He was hospitalized for a period of five days and later he took follow-up treatment. Considering the nature of injuries, period of hospitalization, his age and other relevant factors this Court finds it reasonable to grant an amount of **Rs.75,000/-** towards Pain and Suffering, **Rs.50,000/-** towards loss of amenities, **Rs.40,000/-** towards transportation, extra nourishment and attendant charges.

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

Particulars	Amount in Rs.
Loss of future earning capacity	17,53,920
Pain and suffering	75,000
Medical expenses	1,26,000
Loss of amenities	50,000
Transportation, extra nourishment and attendant charges	40,000
Total	20,44,920/-



14. Hence, the appellant-claimant is entitled to a total compensation of Rs.20,44,920/- along with interest at the rate of 6% p.a.

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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 05.06.2024 passed in MVC No.2275/2020 on the file of the Member MACT, XIX Additional Judge, Court of Small Causes, Bengaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.20,44,920/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.5,76,000/- granted by the Tribunal.



- iv. Respondent No.1/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.1/Insurance Company is directed to deposit the enhanced compensation of **Rs.14,68,920/-** along with the interest at the rate of 6% within one month from the date of this order.
- v. On such deposit, petitioner is permitted to withdraw the entire amount along with interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE

SHS
List No.: 1 Sl No.: 14