



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 136 OF 2020 (MV-I)

BETWEEN:

SRI. SHASHIKUMAR H
S/O HANUMANTHAPPA
AGED ABOUT 28 YEARS
R/AT NO.5, GANDHINAGAR,
NEAR ANGANAVADI KAGGALIPURA,
UTTARAHALLI HOBLI,
BANGALORE SOUTH - 560 082.

...APPELLANT

(BY MS. NITHYA, ADVOCATE FOR
SRI. PRAKASH M.H, ADVOCATE)



AND:

1. UNITED INDIA INS CO. LTD.,
NO.9, 5TH AND 6TH FLOOR,
KRUSHIBHAVANA, HUDSON CIRCLE,
BENGALURU - 560 001
REP. BY ITS MANAGER.



2. SRI. LOHITH.N
S/O NANJUNDAPPA
MAJOR,
R/AT NO.20, GADIPALYA,
THATTAGUPPE PART,
UTTARAHALLI HOBLI,
BANGALORE SOUTH
BANGALORE - 560 082.

...RESPONDENTS

(BY SRI. KRISHNA KISHORE S, ADVOCATE FOR R1;
VIDE ORDER DATED 03.01.2024, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DATED 23.10.2019 PASSED IN MVC
NO.3194/2018 ON THE FILE OF THE XX ADDITIONAL SMALL
CAUSES JUDGE AND XVIII ADDITIONAL CHIEF METROPOLITAN
MAGISTRATE AND MACT, BENGALURU (SCCH-22), C/C OF XX
ADDITIONAL SMALL CAUSES JUDGE AND XVIII ADDITIONAL
CHIEF METROPOLITAN MAGISTRATE AND MEMBER, MACT,
BENGALURU, 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 MR. JUSTICE UMESH M ADIGA



ORAL JUDGMENT

This appeal has been filed by the claimant in MVC No.3194/2018 challenging the judgment and award dated 23.10.2019 passed by the XVIII Additional Chief Metropolitan Magistrate and M.A.C.T., Bengaluru (SCCH-22).

2. The matter is listed for hearing on admission and with a consent of both the parties it is taken up for final disposal.

3. The contentions of the claimant were that he met with an accident on 25.05.2018 around 08.15 p.m., due to rash and negligent driving of Tipper Lorry (offending vehicle) bearing registration No.KA-41-A-0803 near IBA College, Lakshmipura, NH-209 on Kanakapura-Bangalore Main Road of Uttarahalli Hobli, Bangalore South Taluk. Due to the impact, claimant sustained a grievous injuries and he has suffered permanent disability. With these reasons he prayed to award a compensation of Rs.40,00,000/-.



4. The respondent No.1 being the owner of the offending vehicle remained ex-parte and respondent No.2 being the insurer of the offending vehicle denied the contention of the claim petition and denied its liability to pay the compensation and prayed to dismiss the petition.

5. Tribunal after framing the necessary issues, recorded the evidence of both the parties and after hearing the arguments, awarded following amount as compensation.

Particulars	Amount in Rs.
Pain and sufferings	75,000.00
Loss of future earnings due to disability	3,92,700.00
Medical expenses	4,45,075.00
Conveyance expenses, nourishment and nutritious food	75,000.00
Loss of amenities and unhappiness	30,000.00
Future medical expenses	20,000.00
Total	10,37,775/-



6. Main grievance of the appellant herein is that the tribunal has not considered the income of claimant properly and disability assessed by the tribunal is on the lower side. Learned counsel also contends that amount awarded under other heads by the tribunal is on the lower side and hence prayed to enhance the same.

7. The learned counsel for respondent No.2 support the impugned judgment and submits that there are no reason to interfere in the said findings.

8. Though several grounds are taken out in the appeal memo, the main dispute in this appeal is regarding the assessment of income as well as disability of the claimant.

9. Claimant/appellant contended before the tribunal that he was a Driver and earning Rs.40,000/- per month. As per the findings of the tribunal in the impugned judgment, appellant was unable to prove the same and hence the tribunal has taken notional income as Rs.10,000/- per month. The said amount appears to be on



the lower side. Even if the chart prepared by the Karnataka State Legal Services Authority is followed, income of the claimant can be taken as Rs.12,500/- per month and on that basis compensation is to be recalculated. The compensation awarded under the head loss of amenities and unhappiness is also on the lower side which requires to be enhanced. If the notional income of the claimant is taken as Rs.12,500/- per month, then there will be increase in the amount awarded under the head loss of future earning capacity due to permanent disability.

10. On perusal of the impugned award, the tribunal has not awarded any amount as compensation towards loss of earning during laid up period. Looking to the nature of injuries and disability, atleast for a period of four to five months the claimant may not be in a position to attend his regular work, which should to be awarded.



11. On re-appreciation of the materials on record, claimant is entitled to enhancement under the following heads.

Particulars	Amount in Rs.
Loss of future earning capacity due to permanent disability	98,175.00
Loss of income during laid up period (12,500/- x 4)	50,000.00
Loss of amenities and future unhappiness	20,000.00
<i>Total</i>	<i>1,68,175/-</i>

12. Claimant is also entitled to interest on the said enhanced amount of compensation at the rate of 6% per annum from the date of petition till the date of realization.

13. Respondents are liable to pay the above said amount as compensation.

14. For the above said discussion, following order is passed.

ORDER

- i) The Appeal is ***allowed in part.***



ii) The impugned judgment and award dated 23.10.2019, passed in MVC.No.3194/2018, by the XVIII Additional Chief Metropolitan Magistrate and Member, MACT., Bengaluru is modified.

iii) The claimant is entitled to enhanced compensation of Rs.1,68,175/- with interest at the rate of 6% p.a., from the date of petition till its realization.

iv) The remaining portion of the award of the tribunal shall remain unaltered.

Registry is directed to send back the records along with a copy of this judgment and award to the tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

VS
List No.: 1 SI No.: 22
CT: BHK