



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2610 OF 2015 (MV-DM)

C/W

MISCELLANEOUS FIRST APPEAL NO. 2609 OF 2015 (MV-I)

IN MFA No. 2610/2015

BETWEEN:

SRI. RATHNAPPA
S/O SRI. NANJUNDAPPA,
AGE 58 YEARS,
R/O.NO.55, 4TH A CROSS,
BEHIND COURT, M.V.EXTENSION,
HOSAKOTE, BANGALORE RURAL
DISTRICT - 562 114.

...APPELLANT

(BY SRI. SURESH M. LATUR, ADVOCATE)

AND:

1. SRI. SHANTHA KUMAR
R/O NO.92, CHATHRAKODIHALLI,
BEGALI POST, KOLAR TALUK,
KOLAR DISTRICT - 563 101.
2. THE REGIONAL MANAGER
NATIONAL INSURANCE CO.LTD.,
SUBHARAM COMPLEX, M.G.ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SMT. MANJULA N. TEJASWI, ADVOCATE FOR R2;
VIDE ORDER DATED 25.10.2016, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 16.08.2014 PASSED IN MVC
NO.4482/2011 ON THE FILE OF THE JUDGE, COURT OF SMALL





NC: 2026:KHC:7945
MFA No. 2610 of 2015
C/W MFA No. 2609 of 2015

CAUSES & XXVI ACMM, MACT (SCCH-09) BANGALORE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 2609/2015

BETWEEN:

SRI. ANAND @ ANAND KUMAR
S/O SRI. RATHNAPPA,
AGE: 22 YEARS, OCC: DRIVER,
R/O NO.55, 4TH A CROSS,
BEHIND COURT, M.V. EXTENSION,
HOSAKOTE, BENGALURU RURAL
DISTRICT - 562 114.

...APPELLANT

(BY SRI. SURESH M. LATUR, ADVOCATE)

AND:

1. SRI. SHANTHA KUMAR
R/O NO.92, CHATHRAKODIHALLI,
BEGALI POST, KOLAR TALUK,
KOLAR DISTRICT - 563 101.
2. THE REGIONAL MANAGER
NATIONAL INSURANCE CO. LTD.,
SUBHARAM COMPLEX, M.G. ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. O. MAHESH, ADVOCATE FOR R2;
V/O/D 22.03.2019, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.08.2014 PASSED IN MVC NO.4481/2011 ON THE FILE OF THE JUDGE, COURT OF SMALL CAUSES, & XXVI ACMM, MACT, BANGALORE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.



THESE APPEALS, COMING ON FOR FINAL HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL COMMON JUDGMENT

IN MFA NO.2610/2015:

This appeal is filed by the appellant/petitioner against the common award passed by the Tribunal in MVC No. 4482/2011, dated 16.08.2014 seeking compensation of Rs.5,00,000/- for damages caused to the vehicle. However, the Tribunal granted meager compensation of Rs.61,000/-.

2 Aggrieved by the said award, the appellant preferred an appeal mainly contenting that the Tribunal granted global compensation of Rs.61,000/- along with interest at 6% per annum. Exhibit P9 - IMV report is not considered, which clearly shows that due to the accident both the doors of the right side, chassis, rear dickey, top floor, front window screen glass broken and engine body were damaged to Maruthi car. Exhibit P10 is the copy of vehicle repair estimation. But it was rejected without assigning any reasons. Hence, the



appellant requested for enhancement of the compensation with interest at the rate of 18% per annum.

3 Admittedly, the appellant purchased the second-hand vehicle in 2005. A few months prior to the accident, he insured the vehicle with Royal Sundaram Alliance Insurance Company. As per Exhibit R5, dated 17.03.2011, he declared the total value of the vehicle is Rs.1,26,000/- for insurance purposes. Since this policy was taken just two months before the accident, he cannot claim its value as more than Rs.1,26,068/-. Exhibit R3 is the survey report. Even after the accident, surveyor also assessed the vehicle and stated that the liability of the Insurance Company is not more than Rs.1,20,284/- for the entire vehicle.

4. The Petitioner borrowed a loan from the Cholamandalam Finance Company Limited. But even after the accident, he could not clear the loan amount, as such, he surrendered the vehicle to the said finance Company and they have sold it for Rs.65,000/- and closed the account. Therefore, the Tribunal observed that the actual value of the vehicle as per Ex.P5 was Rs. 1,26,068, and it was admittedly sold for Rs.



65,000/-. Therefore, the petitioner is only entitled for compensation of Rs.61,000/-. In the light of the above discussion, this Court finds no reason to interfere with the said order. Consequently, the appeal is **dismissed** and the award passed by the Tribunal is confirmed.

IN MFA NO.2609/2015

1. Heard the arguments of both sides.
2. MFA No. 2609/2015 is filed against the Award of the Tribunal in MVC No.4481/2011.
3. The claimant met with an accident on 10.05.2011 and filed claim petition claiming compensation of Rs.5,00,000/-. However, the Tribunal considering the entire evidence on record, granted compensation of Rs.2,39,000/- with interest at 6% per annum from the date of petition till date of realization.
4. Aggrieved by the said award, the claimant/appellant preferred an appeal mainly contending that the petitioner sustained blunt injuries on his chest and forehead and multiple rib fracture of 1st to 5th, 7th and 9th ribs on the right side and he



had abrasion on his chest and back, left side forehead and left foot. The petitioner was treated as inpatient from 11.05.2011 to 20.05.2011. He examined the doctor as P.W.3 and he assessed the whole body disability as 15%. He was aged 19 years, working as a driver and earning Rs.10,000/- per month. But the Tribunal granted inadequate compensation and also granted weaker amounts under the other heads and thus, requested for enhancement of the compensation.

5. Learned counsel for the respondent stated that he has not surrendered his driving licence to show that after the accident, he could not drive the vehicle. As such, he is not entitled for any compensation amount under the head loss of future earning capacity, the Tribunal has rightly not granted any amount and the same is to be confirmed.

6. Though, the petitioner stated that he was working as a driver and earning Rs.10,000/- per month. However, he has not filed any income proof, as he met with an accident in the year 2011, his notional income is to be taken as Rs. 6,500/- per month as per the chart prepared by Karnataka State Legal Services Authority. He was aged 19 years and the



multiplier is '18'. the petitioner sustained following injuries as per wound certificate-Ex.P5:

"Blunt injuries on his chest and forehead and multiple rib fracture of 1st to 5th, 7th and 9th ribs on the right side and he had abrasion on his chest and back, left side forehead and left foot."

7. The petitioner was admitted in the hospital for 10 days. PW3 doctor stated that he sustained a blunt injury on his chest and abdomen and multiple fractures on his ribs. Admittedly, the fractured ribs were fully united. He has difficulty in breathing and cannot climb the stairs and he is unable to run and he had frequent fever. PW3 examined the petitioner about two and a half years after the accident and there is no evidence to show that he took follow-up treatment. Therefore, the Tribunal considered his disability only as 5%. Merely because driver has not surrendered his driving licence, it cannot be said that he is not entitled for loss of future earning capacity. Admittedly, he is a driver and he met with an accident and sustained several fractures. Doctor assessed the same as 15% disability. Considering the nature of injuries, hospitalisation, his age and other factors, this court finds it



reasonable to take the disability as 10%. The loss of future earning capacity comes to '**loss of future earning capacity**' comes to: $\text{Rs.}6,500 \times 12 \times 18 \times 10\% = \text{Rs.}1,40,400/-$.

8. The claimant was hospitalised as inpatient for a period of 10 days. The Tribunal granted **Rs.78,000/-** towards **Medical Expenses** and it needs no interference.

9. Considering the nature of injuries, occupation, period of hospitalisation and other relevant factors, this Court finds it reasonable to grant an amount of **Rs. 50,000/-** for **pain and suffering**, **Rs.30,000/-** for **loss of amenities** and **Rs.30,000/-** for **transportation, extra-nourishment and attendant charges** and the claimant might not have attended any other work at least for a period of six months and therefore, this Court finds it reasonable to grant **Rs.26,000/-** ($\text{Rs.}6,500 \times 4$) for '**loss of income during laid up period**'.

10. Accordingly, the compensation awarded by this Court under various heads is as follows:



Particulars	Amount in Rs.
Loss of future earning capacity	1,40,400/-
Medical Expenses	78,000/-
Pain and Suffering	50,000/-
Loss of Amenities	30,000/-
Transportation, Extra Nourishment & Attendant Charges	30,000/-
Loss of income during laid up period	26,000/-
Total	3,54,400/-

11. Compensation is enhanced from Rs.2,39,000/- to Rs.3,54,400/- and the enhanced compensation is **Rs.1,15,400/-**, which carries interest at the rate of 6% per annum.

12. The Insurance Company has already deposited the award amount before the Tribunal. Therefore, Respondent No.2 is directed to deposit the enhanced compensation of Rs.1,15,400/- with interest at the rate of 6% per annum within 1 month from the date of receipt of this order.

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



ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 16.08.2014, passed in MVC No.4482/2011 by the Court of Small Causes and Motor Accident Claims Tribunal, Bengaluru is modified;
- iii. Respondent No.2 is directed to deposit the enhanced compensation of Rs.1,15,400/- with interest at the rate of 6% per annum within one month from the date of this order, on such deposit, the appellant is permitted to withdraw the entire amount along with interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE