



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO. 6976 OF 2016 (MV-I)

BETWEEN:

SMT SUMITHRAMMA
W/O HANUMANTHAPPA
AGED ABOUT 48 YEARS
RESIDING AT NELLIKATTE VILLAGE
CHITRADURGA TALUK
NOW RESIDING AT
CHIKKANDAVADI
KASABA HOBLI
HOLALKERE TALUK-577 526
CHITRADURGA DISTRICT.

...APPELLANT

(BY SRI. SHASHISHEKAR S. ADVOCATE FOR
SRI B M SIDDAPPA, ADVOCATE)

AND:

1. SRI M REVANAPPA
PROP. REPUBLIC MOTOR SERVICE
C/O G D HALAPPA & SONS
N R ROAD,
DAVANAGERE-577 001.
OWNER OF VEHICLE BEARING
NO.KA-17/A-3906
2. THE DIVISIONAL MANAGER
ORIENTAL INSURANCE CO. LTD.,
THILUVALLI COMPLEX,
2ND FLOOR, P B ROAD
DAVANAGERE-577 001.

...RESPONDENTS

(BY SRI. K. POORNABODHA RAO, ADVOCATE FOR R2;
V/O DTD:05.03.2022 NOTICE TO R1 IS D/W)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S 173(1) OF MOTOR VEHICLES ACT, 1988, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND MACT, HOLALKERE IN MVC NO.116 OF 2013 DATED 17.02.2016 AND ENHANCE THE COMPENSATION AS PRAYED FOR IN THE PETITION BY ALLOWING THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 17.12.2025 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

This appeal under Section 173(1) of Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') has been filed by the claimant challenging the judgment and award dated 17.02.2016 passed by the Senior Civil Judge and MACT, Holalkere in MVC No.116/2013.

2. Facts giving rise to the filing of the appeal briefly stated are that on 27.06.2012 at about 12 p.m., when the claimant was proceeding on motorcycle bearing registration No.KA-16/S-8528 from Padigatte to

Chikkandavadi village as a pillion rider, while proceeding near Kothehal Cross, Chickjajur village, in Holalkere taluk, the driver of Republic bus bearing Registration No.KA-17/A-3906 drove the same in a rash and negligent manner without observing traffic rules and dashed to the motorcycle of the claimant from opposite direction. As a result of the aforesaid accident, the claimant sustained grievous injuries and was hospitalized.

3. The claimant filed a petition under Section 166 of the Act, seeking compensation. It was pleaded that she spent significant amount towards medical expenses, conveyance charges and other related costs. It was further pleaded that the accident occurred solely on account of rash and negligent driving of the offending vehicle by its driver.

4. Upon service of notices, the respondent No.2/Insurance Company appeared through counsel and filed objection statement denying the averments made in the claim petition. The respondent No.1, despite service of

notice, did not appear before the Tribunal and was placed ex-parte.

5. On the basis of the pleadings of the parties, the Claims Tribunal framed the issues and thereafter, recorded the evidence. The Tribunal, by impugned judgment and award has partly allowed the claim petition with costs and held that the claimant is entitled to a compensation of Rs.3,42,400/- along with interest at the rate of 7.5% p.a. and directed respondent Nos.1 and 2 to pay the compensation and respondent No.2 being the insurer directed to deposit the compensation amount along with interest. Being aggrieved, the present appeal has been filed.

6. The learned counsel for the claimant has raised the following contentions:

The claimant asserts that she was earning Rs.40,000/- per month, working as agriculturist. However, the Tribunal has erred in taking the income as merely as Rs.6,000/- per month.

The claimant has examined the doctor as PW-2. The Tribunal undervalued the claimant's whole-body disability at 20%, contradicting the evidence of the doctor that the claimant suffered 40% disability to the right upper limb.

Due to the accident, the claimant has sustained grievous injuries. She was shifted to P.H.C., Chickjajur for treatment and now also the claimant is taking treatment at various hospital and clinics as per the advice of the doctors including SS Hospital, Davanagere and incurred medical expenses. Due to the impact of the accidental injuries the claimant is unable to attend her agriculture work as she used to attend prior to the date of accident. Considering the same, the overall compensation awarded by the Tribunal is on the lower side.

With the above contentions, the learned counsel sought to allow the appeal.

7. On the other hand, the learned counsel for the Insurance Company denied all the petition averments so far as accident, injuries sustained by the claimant and also

treatment obtained, medical expenses incurred by claimant by filing objection statement. It has further contended that, the accident occurred due to rash and negligent riding of rider of motor cycle bearing Registration No.KA-16/S-8528, but not due to fault of the driver of the bus. The police have falsely implicated the driver of the bus in criminal case. The compensation claimed by the petitioner is exorbitant. On these grounds the respondent No.2 sought for dismissal of this appeal.

8. Heard the learned counsel for the parties, perused the records and judgment and award of the Tribunal.

9. It is not in dispute that the claimant has sustained injuries in the road traffic accident that occurred on 27.06.2012 due to rash and negligent driving of the offending vehicle by its driver.

10. The claimant claims that she was earning Rs.40,000/- per month. But she has not produced any documents to substantiate her claim. Therefore, in the absence of proof of income, notional income has to be

assessed. According to the guidelines issued by the Karnataka State Legal Services Authority, for accidents occurred in the year 2012, notional income shall be taken at Rs.7,000/- p.m.

11. As per wound certificate, the claimant has sustained fracture of middle portion of shaft of humerus, fracture of 1/3 of right ulna, fracture of superior and inferior rami of right pubic bone and fracture of right frontal bone. Taking into consideration the deposition of the doctor and injuries mentioned in the wound certificate, the Tribunal has rightly taken the whole body disability at 20%. The claimant is aged about 45 years at the time of the accident and multiplier applicable to her age group is '14'. Thus, the claimant is entitled for compensation of **Rs.2,35,200/-** ($\text{Rs.7,000} \times 12 \times 14 \times 20\%$) on account of 'loss of future income'.

12. The nature of injuries indicates that the claimant must have been under rest and treatment for a period of 3 months. Consequently, the claimant is entitled for

compensation of **Rs.21,000/-** (Rs.7,000/-*3months) under the head 'loss of income during laid up period'.

13. The Tribunal has awarded a sum of Rs.15,000/- towards conveyance, attendant charges, nourishment etc. Due to the injuries suffered by the claimant, I am inclined to enhance the same to **Rs.25,000/-**.

14. The Tribunal has awarded a sum of Rs.50,000/- towards pain and sufferings, which is just and proper.

15. It would be appropriate to award a sum of **Rs.30,000/-** towards 'loss of amenities'.

16. As per Ex.P.12, 77 medical bills have been produced. Therefore, a sum of **Rs.75,000/-** is awarded under the head 'medical expenses'.

17. In all, the total compensation re-determined by this Court under various heads is as follows:

SL.NO.	PARTICULARS	AMOUNT (Rs.)
1.	Towards loss of future income due to disability	2,35,200
2.	Towards pain and suffering	50,000
3.	Towards conveyance, attended	25,000

	charges, nourishment etc.	
4.	Towards medical expenses	75,000
5.	Laid up period (7,000 X 3 months)	21,000
6.	Loss of amenities	30,000
	Total	4,36,200/-

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

ORDER

- a) The appeal is **allowed in part.**
- b) The judgment dated 17.02.2016 passed by the Senior Civil Judge and MACT, Holalkere in MVC No.116/2013 is modified.
- c) The claimant is entitled to a total compensation of **Rs.4,36,200/-** as against Rs.3,42,400/- awarded by the Tribunal.
- d) The Insurance Company is directed to deposit the compensation amount along with interest at a rate of 6% p.a. from the date of filing of the claim petition till the date of realization, within a period of eight weeks from the date of receipt of copy of this judgment.

- e) In view of the order dated 01.02.2024 passed by this Court, the claimant is not entitled to interest on the enhanced compensation for the delayed period of 148 days in filing the appeal.
- f) Registry is directed to transmit the TCR along with copy of this judgment to the Tribunal forthwith.

Sd/-
(DR.K.MANMADHA RAO)
JUDGE

GSR