



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 9<sup>TH</sup> DAY OF SEPTEMBER, 2025**

**BEFORE**

**THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA**

**MISCELLANEOUS FIRST APPEAL NO. 4426 OF 2024 (MV-I)**

**BETWEEN:**

SRI. MUNIYAPPA

S/O. SOMBAIAH,

AGED ABOUT 62 YEARS,

RESIDING AT NO. 172,

4TH WARD, SSVK ROAD,

NEAR CHOWDESHWARI TEMPLE,

DOMMASANDRA, ANEKAL TALUK,

BENGALURU - 562 125.

...APPELLANT

(BY SRI. GURUDEV PRASAD K.T, ADVOCATE)

**AND:**

THE MANAGING DIRECTOR





MOTOR CLAIMS HUB,  
BMTC, SHANTHINAGAR,  
BENGALURU - 560 027.

...RESPONDENT

(BY SRI. NAGARAJA K, ADVOCATE)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST  
THE JUDGMENT AND AWARD DATED 09.08.2023 PASSED IN  
MVC NO.3663/2022 ON THE FILE OF THE XV ADDITIONAL  
SMALL CAUSES JUDGE AND XXIII ACMM, MACT, BENGALURU,  
SCCH-19, 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 DR. JUSTICE CHILLAKUR SUMALATHA

**ORAL JUDGMENT**

At request of Sri. Gurudev Prasad K.T learned counsel for the appellant who appears physically before this Court as well as Sri. Nagaraja.K learned counsel for the respondent who appears through video conference, the matter is taken up for final hearing and disposal.

2. This appeal is the outcome of the award that is passed by the Motor Accident Claims Tribunal, Bangalore in M.V.C No. 3663/2022 dated 09.08.2023. This is a claimant's appeal.

3. On the ground that he sustained injuries in a road traffic accident and the injury sustained to the left leg resulted in below knee amputation, the appellant filed a petition before the tribunal claiming compensation of ₹50,00,000/- in total. The tribunal through the impugned award granted a sum of ₹5,98,235/- rounded to ₹5,98,300/- as compensation. Dissatisfied with the sum thus awarded and projecting that he is entitled to a higher sum the present appeal is filed.

4. Making his submission with regard to the merits of the matter learned counsel for the appellant submits that the



appellant sustained grievous injuries in a road traffic accident. The accident occurred on 25.05.2022. Immediately after the accident the appellant was shifted to hospital for treatment. The appellant took treatment as inpatient for a period of 2 weeks. Considering the injuries sustained, an operation was conducted and there was below knee amputation of the left leg. The appellant as a vegetable vendor was earning ₹2000/- per day. However, due to the amputation of left leg he became totally and permanently disabled. Without considering the occupation and earnings of the appellant the tribunal took the notional income as ₹15,000/- per month and awarded a meager sum as compensation. Learned counsel further submits that the tribunal did not award justifiable sum under any head. Learned counsel also contends that the tribunal totally failed in awarding compensation under the head loss of earnings during laid up period. Learned counsel thereby seeks the Court to award the sum that is claimed by the appellant as compensation.

5. *Per contra* the submission that is made by learned counsel for the respondent is that the tribunal having considered the totality of evidence produced awarded justifiable sum and



therefore the appeal is not maintainable. Learned counsel also states that the appellant failed to produce any substantive proof with regard to his occupation and earnings by the date of accident.

6. In reply to the submission thus made, learned counsel for the appellant submits that the accident occurred in the year 2022 and for the relevant period the Karnataka State Legal Services Authority is taking the notional income as ₹15,500/- per month and hence the said figure may be adopted.

7. It is not in dispute that there was below knee amputation of left leg due to the injury sustained in the road traffic accident. PW-2 assessed the disability as 70% in respect of left lower limb. The tribunal took the disability in respect of whole body as 25%.

8. For a vegetable vendor, it will be highly difficult to continue his occupation and earn in the light of loss of one of the lower limbs. For assessing the functional disability, the occupation of the claimant and the nature of duties which he is supposed to attend on daily basis is required to be considered.



Undoubtedly, a vegetable vendor is required to either proceed to the villages where the vegetables are grown or to a wholesale market if any present in that particular area, fetch the vegetables, thereafter to segregate and then to transport them to the place of sale. Then he/she has to sit or stand day long, subject the vegetables to sale, to measure the vegetables on arrival of customers to collect the amount and thereafter to handover the vegetables to the respective purchasers. At the end of the day he has to again pack all the vegetables leftover and preserve them for the business to be continued in the succeeding day. Therefore, it would be highly difficult for such a person to work with only one lower limb functioning. Therefore, this Court considers desirable to take the functional disability of the appellant in respect of whole body as 40%.

9. It is not in dispute that the appellant was aged about 60 years by the date of accident. Therefore, as per the decision of the Hon'ble Apex Court in National Insurance Co. Ltd. -vs. Pranay Sethi case, 10% of the earnings are required to be added towards future prospects. Also as per the decision of the Hon'ble Apex Court in Sarala Verma and others -vs- Delhi Transport



Corporation and another case the appropriate multiplier to be applied is '9'. With these parameters the compensation which the appellant is entitled to under the head loss of future earnings on account of permanent physical disability is as under:-

<b>Heads</b>	<b>Amount in Rs.</b>
Notional income	15,500.00
Annual income	1,86,000.00
On adding 10% towards future prospects	2,04,600.00
On applying appropriate multiplier '9'	18,41,400.00
Loss of future earnings, permanent physical disability in respect of whole body being 40%	7,36,560.00

10. As rightly contended by learned counsel for the appellant, the tribunal failed to award any sum as compensation towards loss of income during laid up period. Having considered the fact that the appellant was left with loss of one of the lower limbs due to the accident, this Court is of the view that the appellant would have taken considerable time to get the wound healed, to get trained to walk with only one lower limb, thereafter to attend his normal pursuits and to proceed with his occupation. Considering these facts this Court is of view that the



appellant would not have attended his normal pursuits and start his occupation at least for a period of 8 months. Thus, loss of earnings during laid up period comes to ₹1,24,000/- (15,500 x 8).

11. Having considered the nature of injuries sustained and the treatment taken, this Court is of the view that the appellant is entitled to a sum of Rs.1,00,000/- under the head pain and suffering. Also the appellant is entitled to a sum of ₹25,000/- towards food, extra nourishment, attendant and conveyance charges. Further, the appellant is entitled to a sum ₹50,000/- under the head loss of amenities in life. Therefore, the compensation which the appellant is entitled to in total is as under:-

<b>Heads</b>	<b>Amount in Rs.</b>
Pain and suffering	1,00,000.00
Towards Food, Extra nourishment, attendant and conveyance charges	25,000.00
Loss of future earnings due to permanent physical disability	7,36,560.00
Medical expenses to the extent proved	5,235.00
Loss of income during laid up	1,24,000.00





period	
Future medical expenses	1,00,000.00
Loss of amenities in life	50,000.00
<b>TOTAL</b>	<b>11,40,795.00</b>

12. In the light of the aforementioned discussion it is clear that the appellant is entitled to a sum of ₹11,40,795/- as compensation. The tribunal through the impugned order awarded a sum of ₹5,98,300 only. Therefore, this Court is of the view that the appeal is required to be allowed in part. Thus, the appeal is disposed of with the following:-

### **ORDER**

- i. The appeal is allowed in part.
- ii. The compensation that is granted by the Motor Accident Claims Tribunal, Bangalore through orders in M.V.C. No. 3663/2022 dated 09.08.2023 is enhanced from ₹5,98,300/- to ₹11,40,795/-.
- iii. The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit. However, the appellant is not entitled for any



interest for the period of delay of 222 days as per the orders in I.A No.1/2024.

- iv. Respondent is directed to deposit the enhanced sum within a period of 8 weeks from date of receipt of certified copy of this judgment.
- v. On such deposit the appellant is permitted to withdraw the entire amount.

**Sd/-**  
**(DR.CHILLAKUR SUMALATHA)**  
**JUDGE**

VS  
List No.: 1 SI No.: 15  
CT: BHK