



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

**DATED THIS THE 6<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**MISCELLANEOUS FIRST APPEAL NO. 9580 OF 2017 (MV-I)**

**BETWEEN:**

SADASHIVA  
S/O LATE MUTTALINGAIAH,  
AGED ABOUT 38 YEARS  
R/O AVVERAHALLI VILLAGE,  
DUDDA HOBLI  
MANDYA TALUK AND DISTRICT-571405.

...APPELLANT

(BY SRI. SANATH KUMARA K.M., ADVOCATE)

**AND:**

1. N.E. BHADREGOWDA  
S/O ERAIAH,  
NO.1559, 18TH MAIN,  
6TH CROSS, MUNESWARA BLOCK,  
BANGALORE-560026.

2. THE BRANCH MANAGER  
NEW INDIA ASSURANCE CO. LTD.,  
NO.1200, 2ND CROSS,  
ASHOKNAGAR,  
MANDYA-571401.

...RESPONDENTS

(BY SRI. R. JAIPRAKASH, ADVOCATE FOR R-2;  
V/O DATED 05.01.2023 NOTICE TO R-1  
IS HELD SUFFICIENT)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 16/03/2017 PASSED IN MVC





NO.410/2013 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM MANDYA. 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 MRS. JUSTICE P SREE SUDHA

**ORAL JUDGMENT**

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 16.03.2017 passed in MVC No.410/2013 on the file of the Principal Senior Civil Judge and CJM Mandya, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and respondents. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. Injured claimant met with an accident on 14.10.2012 and filed claim petition claiming compensation of Rs.15,70,000/-. Tribunal considered the entire evidence on record granted an amount of Rs.3,58,500/- with



interest on the rate of 6% per annum from the date of petition till realization.

4. Aggrieved by the said order, he preferred an appeal and mainly contended that appellant was a driver and he was having license to drive Heavy Passenger Vehicle and he is also having a badge and thus earning Rs.15,000/- per month with batta of Rs. 200 per day. But the Tribunal has taken his income on lower side. The doctor assessed the disability as 39% and his functional disability as 100%. But the Tribunal erred in taking the same as 10%. Also, the amount granted under the other heads is meager. Therefore, requested for enhancement of the compensation. Though it is stated that the petitioner was earning Rs.15,000/- per month, he has not filed any income proof. No doubt he was a driver and driving heavy passenger vehicle but he has not filed any income proof. As he filed the driving license to show that he was a driver of heavy passenger vehicle, this court finds it reasonable to take his income as Rs.7,000/- per month and he was



aged 34 years and the multiplier taken is 16. As per the evidence of CW1 orthopedic surgeon, he sustained fracture of tibia fibular of left leg as well fracture in the right hand wrist, that he has conducted surgery of the tibia by way of inter locking nailing and he was discharged on 23.10.2012. He also stated that rod fixed to the left leg of the petitioner still in the leg of him and same is yet to be removed. He was inpatient for 9 days. The doctor assessed the disability on the part of leg and hand as 39%. Hence,  $1/3^{\text{rd}}$  of the same comes to 13%. But the tribunal has taken only 10%. Therefore, the disability is to be altered as 13%. The loss of future income comes  $\text{Rs.}7,000 \times 12 \times 16 \times 13\% = \text{Rs.}1,74,720/-$ . Tribunal granted **Rs.92,000/-** towards medical expenses and it is confirmed. Considering the nature of injuries, the occupation of the petitioner, period of hospitalisation and other relevant factors such as age and other occupation and other relevant factors, this Court finds it reasonable to grant compensation of **Rs.60,000/-** for pain and suffering



and **Rs.30,000/-** for loss of amenities and **Rs.30,000/-** for transportation, extra nourishment and attendant charges. He might not have attended any other work at least for a period of 5 months. Therefore, Rs.7,000 X 5 months = **Rs.35,000/-** is to be granted under the head loss of income during laid up period. Tribunal granted future medical expenses of **Rs.25,000/-** and it is confirmed.

5. Thus in all, components awarded by this court are as below,

Sl.Nos.	Particulars	Amount in Rs.
1	Loss of future income	1,74,720
2	Medical expenses granted by tribunal	92,000
2	Pain and suffering	60,000
3	Loss of amenities	30,000
4	Transportation, extra nourishment and attendant charges.	30,000
5	Loss of income during laid down period	35,000
6	Future medical expenses	25,000
	<b>Total</b>	<b>4,46,720</b>



Hence, the compensation granted by tribunal is enhanced from Rs.3,58,500/- to **Rs.4,46,720/-** along with interest at the rate of 6% p.a.

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

**ORDER**

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award 16.03.2017 passed in MVC No.410/2013 on the file of the Principal Senior Civil Judge and CJM Mandya, is modified.
- iii. The claimants are entitled to a sum of **Rs.4,46,720/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,58,500/- granted by the tribunal.
- iv. Respondent/Insurance Company has already deposited the awarded amount before the tribunal. Therefore,



respondent/Insurance Company is directed to deposit the enhanced compensation of **Rs.88,220/-** along with the interest at the rate of 6% within one month from the date of this order.

- v. On such deposit, claimant is permitted to withdraw the entire amount along with interest accrued on the same.
- vi. On 19.01.2024, the delay of 153 days is condoned by this Court on the condition that the claimant will not be entitled for the interest in case of enhancement. Hence, respondent/Insurance Company is not liable to pay the interest for the delayed period.

**Sd/-**  
**(P SREE SUDHA)**  
**JUDGE**