



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.5988 OF 2024(MV-I)

BETWEEN:

R. OBAIAH @ OBANA
S/O. SANNA OBAIAH
AGE 52 YEARS
OCC: COOLIE/ HAMALI WORK
R/O. KHILA KANAKUPPE VILLAGE
JAGALUR TALUK
DAVANAGERE DISTRICT-577 528

...APPELLANT

(BY SRI R. SHASHIDHARA, ADVOCATE)

AND:

1. BASAVARAJA R.
S/O. RUDRESH
AGE 26 YEARS
DRIVER OF THE MOTOR
CYCLE BEARING NO.KA-17/EQ-7716
R/O. BASAVAPURA VILLAGE
JAGALUR TALUK
DAVANAGERE DISTRICT-577 528

2. ASHOKA R.
S/O. VEERESHA
AGE 38 YEARS
OWNER OF THE MOTOR
CYCLE BEARING NO KA-17/EQ-7716
R/O. DEVIKERE VILLAGE
JAGALUR TALUK
DAVANAGERE DISTRICT-577 528





3. THE LEGAL MANAGER
THE IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD.
BRANCH OFFICE: 3RD MAIN
P. J. EXTENSION
DAVANAGERE-577 002

...RESPONDENTS

(BY SRI D. VIJAYA KUMAR, ADVOCATE FOR R-3;
VIDE ORDER DATED 29/08/2025, NOTICE TO R-1 AND R-2
ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED 08.02.2024
PASSED IN MVC NO.23/2022 ON THE FILE OF THE
I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DAVANGERE,
SITTING AT JAGALUR, ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 08.02.2024 passed in MVC
No.23/2022 on the file of I Additional Senior Civil Judge
and JMFC, Davangere, Sitting at Jagalur, for enhancing the
compensation.



2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.3. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. Injured claimant met with an accident on 02.06.2020 and filed claim petition claiming compensation of Rs.9,70,000/-. The Tribunal considering the entire evidence on record granted global compensation of Rs.60,000/- with interest and the rate of 6% from date of petition till realization.

4. Aggrieved by the said order, claimant preferred an appeal and mainly contended that the Tribunal granted inadequate compensation and amount is granted under the other heads. He examined the doctor as PW2 and doctor assessed the disability as 28%. But the Tribunal has not considered the disability, therefore requested for enhancement of the compensation. Though it is stated that the petitioner was working as a Coolie/Hamali and earning Rs.20,000/- per month and he has not filed any



income proof. He met with an accident in the year 2020, therefore income is to be taken as Rs.14,500/- per month as per the chart prepared by Karnataka State Legal Services Authority. It was observed by the Tribunal that as he was aged 53 years and the multiplier to be taken is '11'. The petitioner examined doctor as PW2 and he stated that he was treated conservatively with plaster of parties cast application for fracture of right fibular neck and splint for fracture of proximal pohalanx of right great toe. As per the X-ray, doctor assessed the disability of the right lower limb as 28%. But the Tribunal observed that petitioner has not produced any important documents, like inpatient or surgery report, medical bills and he produced wound certificate as per Ex.P8 and the disability certificate under Ex.P13. Therefore, the evidence of the doctor is not considered. Admittedly, petitioner sustained fracture injuries which are grievous in nature, even as per wound certificate. The doctor was examined before the court and he himself assessed the disability as 28% to the right



lower limb. Therefore, this court finds it reasonable to take the disability as 1/3rd of 28% i.e., 9%. So loss of future earning capacity comes to Rs.14,500 x 12 x 11 x 9% = **Rs.1,72,260/-**. Considering the nature of injuries and also the fact that it was united, this court finds it reasonable to grant an amount of **Rs.15,000/-** for pain and suffering, **Rs.15,000/-** for loss of amenities and **Rs.15,000/-** for transportation and extra nourishment. The petitioner might not have attended any other work at least for a period of 2 months. Therefore, 14,500 x 2 = **Rs.29,000/-** is considered as loss of income during laid up period.

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

Sl.Nos.	Particulars	Amount in Rs.
1	Towards loss of future earning capacity	1,72,260
2	Towards pain and suffering	15,000
3	Towards loss of amenities	15,000



4	Towards for transportation and extra nourishment	15,000
5	Towards loss of income during laid up period.	29,000
	Total	2,46,260

Hence, the compensation granted by tribunal is enhanced from Rs.60,000/- to **Rs.2,46,260/-** 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 dated 08.02.2024 passed in MVC No.23/2022 on the file of the I Additional Senior Civil Judge and JMFC, Davangere, Sitting at Jagalur, is modified.
- iii. The claimants is entitled to a sum of **Rs. 2,46,260/-** along with interest at 6%



p.a., from the date of petition till the date of realization, instead of Rs.60,000/- granted by the tribunal.

- iv. Respondent/Insurance Company has already deposited the award amount before the tribunal. Therefore, respondent No.1/Insurance Company is directed to deposit the enhanced compensation of **Rs.1,86,260/-** 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.

Sd/-
(P SREE SUDHA)
JUDGE

AKV
List No.: 1 Sl No.: 74