



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3333 OF 2024 (MV-I)

BETWEEN:

SRI. SRINIVASA
S/O NANJUNDAIAH
AGED ABOUT 33 YEARS
R/O THOREMAVINAHALLI VILLAGE
KASABA HOBLI, TURUVEKERE TALUK
TUMAKURU DISTRICT - 572 227.

...APPELLANT

(BY SRI. SUNIL K.N, ADVOCATE FOR
SRI. RAMESH K.R, ADVOCATE)

AND:

1. SRI. SHEKARAIHAH
S/O RANGAIAH, AGED ABOUT 34 YEARS,
R/AT TALAKERE COLONY MAIN ROAD,
THALAKERE VILLAGE, KASABA HOBLI,
TURUVEKERE TALUK - 572 227.
2. THE MANAGER
LIBERTY GENERAL INSURANCE LTD.,
SRI. SIDDALINGESHWARA SWAMY ARCADE
1ST FLOOR, VIVEKANANDA ROAD,
OFF M.G. ROAD, ABOVE KARUR VYSYA BANK
TUMAKURU TOWN, TUMAKURU DISTRICT - 572 101.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 24.01.2025, NOTICE TO R1 IS
DISPENSED WITH)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 24.03.2023 PASSED IN MVC NO. 945/2021 ON THE FILE OF THE SENIOR CIVIL JUDGE AND ADDITIONAL MACT, TURUVEKERE, PARTLY 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

Sri. B. Pradeep, learned counsel accepts notice for respondent No.2.

2. Heard the arguments from both the sides.

3. This appeal is filed against the award of the Tribunal in M.V.C.No.945/2021 dated 24.03.2023 by the Court of Senior Civil Judge and Additional MACT, Turuvekere. Injured claimant met with an accident on 24.01.2021 and filed claim petition claiming compensation of Rs.20,00,000/-. The Tribunal considering the entire evidence on record has granted an amount of



Rs.6,78,200/- with interest at the rate of 6% per annum from date of petition till its realization.

4. Aggrieved by the said award, the appellant-claimant has preferred an appeal and mainly contented that the petitioner has sustained grievous injuries. He also examined the doctor as P.W.2 and the doctor has assessed the disability as 30% to the right lower limb and 30% to the right upper limb and 20% to the whole body. But the amounts granted under the other heads are lower side and he incurred huge medical expenses. The Tribunal has granted an amount of Rs.1,48,799/- towards 'medical bills' and though he was doing milk vending business and earning an amount of Rs.25,000/- per month, the Tribunal has taken Rs.15,000/- per month and thus requested for enhancement of the compensation. Learned counsel for respondent No.2 stated that the Tribunal has rightly considered the medical evidence and assessed the disability as 13% and it needs no interference.



5. Though the petitioner stated that he was earning an amount of Rs.25,000/- per month, he has not filed any income proof. As the claimant met with an accident in the year 2021, his notional income was rightly taken by the Tribunal as Rs.15,000/- as per the chart prepared by Karnataka State Legal Services Authority. As the claimant was aged 32 years, the appropriate multiplier applicable is '16'. The appellant-claimant has sustained the following injuries as per Exhibit P5-Wound Certificate:

- (1) Grade II Compound comminuted fracture right femur condyle.
- (2) Fracture 2nd, 3rd, 4th Metacarpals right hand.
- (3) Fracture PP of 3rd toe right foot.

6. The appellant-claimant also examined the doctor as PW.2 and he has issued disability certificate as per Ex.P32. He assessed the disability of 30% to the right lower limb and 30% to the right upper limb. The total disability comes to 60%. One third of the same is 20%.



But the Tribunal erred in taking the same as 13% without any basis. Therefore, this Court finds it reasonable to modify the same as 20%. The 'loss of future earning capacity due to disability' comes to **Rs.5,76,000/-** (Rs.15,000x12x 16x20%). He was hospitalized for a period of 13 days. As per Exhibit P9 - medical bills, the Tribunal has granted an amount of **Rs.1,48,799/-** towards 'medical expenses' and it is confirmed. PW2-doctor stated that the claimant requires another surgery for removal of implants and estimated the approximate cost of surgery as Rs.40,000/-. But the Tribunal has granted an amount of **Rs.30,000/-** towards 'future medical expenses' and it is confirmed. This Court finds it reasonable to enhance the compensation under the heads of 'pain and suffering' to **Rs.60,000/-**, 'loss of amenities' to **Rs.30,000/-** and 'food, conveyance, nourishment and attendant charges' to **Rs.30,000/-**. The claimant might not have attended any other work at least for a period of 4 months. Therefore, **Rs.60,000/-** is awarded under the



head of 'loss of income during laid up period' for a period of four months. The total compensation comes to **Rs.9,34,799/-**. Therefore, the claimant is entitled for enhanced compensation of **Rs.2,56,599/-** (Rs.9,34,799 - Rs.6,78,200).

7. The Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 - Insurance Company is directed to deposit the enhanced compensation amount of Rs.2,56,599/- with interest at the rate of 6% p.a. within a period of one month from the date of this order. On such deposit, the petitioner is permitted withdraw the entire amount along with interest accrued on it.

Accordingly, the appeal is ***allowed-in-part.***

Sd/-
(P SREE SUDHA)
JUDGE