



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 15TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 101980 OF 2021 (MV-I)

BETWEEN:

1. U. SRINIVAS S/O. RAMACHANDRAPPA
SINCE DEAD BY HIS LRS.
 - 1A. U. PADMAVATHI W/O. U. SHREENIVAS
AGE: 45 YEARS, OCC. HOUSEHOLD WORK,
 - 1B. SREERAMA KIRANA U.S. S/O. U. SHREENIVAS
AGE: 28 YEARS, OCC: STUDENT,
 - 1C. U.S. RAKSHITHA RANI D/O. U. SHREENIVAS
AGE: 23 YEARS, OCC. STUDENT,
 - 1D. U.S. CHIRANJIVI S/O. U. SHREENIVAS
AGE: 14 YEARS, OCC. STUDENT
ALL ARE RESIDENTS OF NO.99,
3RD WARD, NEAR POLICE QUATEROUS,
MARIAMANAHALLI, HOSPET, BELLARY-583222.
- ...APPELLANTS
- (BY SRI VIJAYKUMAR KOTIN, ADVOCATE)

AND:

1. SRI JAYAPRAKASH S/O. HANUMANTHAPPA K.,
AGE: MAJOR, OCC: BUSINESS,



NC: 2025:KHC-D:18342-DB
MFA No. 101980 of 2021

R/O. 6TH WARD, MARUTI NILAYA,
MARIYAMMANAHALLI VILLAGE,
TQ. HOSAPETE, DIST. BELLARY
OWNER OF THE BOLERO VEHICLE
NO. KA-35/N-5610)

2. THE LEGAL CLAIMS MANAGER
BHARTI AXA GENERAL INSURANCE CO. LTD.,
#722/1, NAYANA ARCADE,
GROUND FLOOR, MANDIPETE,
DAVANAGERE, DIST. DAVANAGERE.
(INSURER OF THE BOERO VEHICLE NO.KA35/N-5610
POLICY NO.FPV/12034410/E1/10/002766
VALID FROM 20/10/2015 TO 19/10/2016)

...RESPONDENTS

(BY SRI S.K. KAYAKMATH, ADVOCATE FOR R2;
R1-NOTICE DISPENSED WITH)

THIS MFA IS FILED U/S.173 (1) OF MOTOR VEHICLES ACT,
1988, PRAYING TO ENHANCE THE COMPENSATION BY
MODIFYING THE JUDGMENT AND AWARD DATED 08.12.2020
PASSED IN MVC NO.951/2018 ON THE FILE OF THE PRINCIPAL
SENIOR CIVIL JUDGE AND ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, RANEBENNUR, BY ALLOWING THIS APPEAL
WITH COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

The unsatisfied claimant cum injured has filed this appeal under Section 173(1) of the Indian Motor Vehicles Act, 1988, praying for enhancement of compensation challenging the judgment and award passed in MVC No.951/2018 dated 08.12.2020 on the file of Principal Senior Civil Judge and AMACT Ranebennur (for short 'the Tribunal').

2. Parties would be referred with their ranks as they were before the Tribunal for sake of convenience and clarity.

3. The claimant/injured has filed the claim petition under Section 166 of the Motor Vehicles Act, 1988, praying for compensation in respect of the injuries sustained by him in the motor vehicle accident that had taken place on 17.07.2016 at 09.15 p.m. involving the motorcycle bearing registration number KA-17/X-4086 and Bolero vehicle



bearing registration No. KA-35/N-5610 near Mariyammanahalli Masjid on SH 25 road.

4. The contention of claimant is that due to accident, he sustained fracture of acetabulum, open fracture of right tibia; fracture of both bones of right leg with crush injury to right foot, heel pad avulsion injury. He has taken treatment at Government Hospital, Hospet and then City Hospital, Hospet as in-patient from 17.07.2016 to 21.07.2016; as in-patient at BGS Global Hospital Bengaluru from 29.07.2016 to 30.07.2016 and took treatment at Shekhar Hospital, Bengaluru and he was in-patient for about 6 months, spent about Rs.15,00,000/- towards medical treatment and require Rs.8,00,000/- for his future medical expenses. He was hale and healthy before the accident and was doing electrical contract work and earning Rs.25,000/- per month. He has completed his ITI Course and because of these fractured injuries, he cannot do any work as he was doing earlier and lost his earning capacity. Hence, he prayed for compensation.



5. After service of notice of petition, respondent No.2, the insurer has filed written statement wherein, he denied the petition averments in toto and further contented that the accident was not taken place due to rash and negligent driving of driver of the Bolero Vehicle bearing registration No.KA-35/N-5610 and he also denies the age, occupation, income of petitioner and injuries sustained by him and the amount spent by him towards treatment, etc. Hence, prayed for dismissal of the petition.

6. On behalf of claimant, claimant was examined as PW1, apart from examining the Doctor as PW2 and marking Exs.P.1 to P.27 and closed his side before the Tribunal. No evidence was let in on behalf of respondents.

7. After recording evidence and hearing arguments of both sides, the Tribunal came to the conclusion that the claimant is entitled for total compensation of **Rs.17,07,000/-** under following heads:-



Sl. No.	Particulars	Amount Rs.
1.	Loss of future earning capacity	4,56,750-00
2.	Loss of income during the laid up period	35,000-00
3.	Traveling expenses	1,72,045-00
4.	Loss of enjoyment of future amenities in life	25,000-00
5	Pain and suffering	50,000-00
6	Food and Nourishment	47,600-00
7	Medical expenses	9,20,200-00
	Total	17,06,595-00
	Rounded of to	17,07,000-00

8. In the appeal, the learned counsel for appellant has filed IA No.4/2025 under Order XLI, Rule 27 CPC and produced some medical bills for a sum of Rs.71,362/- which occurred during pendency of this appeal.

9. During pendency of the appeal claimant died and his legal representatives are brought on record.

10. Learned counsel for appellant Sri Vijayakumar Kotin would submit that the compensation awarded by the Tribunal on several heads is on the lower side and these are the medical bills which he sustained during pendency of the



appeal and presently the appellant is no more. Hence, prayed for modification of the compensation amount.

11. Learned counsel for respondent No.2-Sri S.K.Kayakmath would submit that he has verified the medical bills produced by the claimant wherein he would agree for consideration of only computerized bills amounting to Rs.26,720/ and not manual bills and thus not agreed for Rs.71,362/- as claimed by the appellant. Learned counsel for respondent No.2 would further submit that the Tribunal has verified all materials in a proper manner and granted the compensation, which is just and fair and it requires no interference.

12. Having heard the arguments of both sides, and verifying the appeal papers along with trial Court records, the points that would arise for consideration are:

1) Whether appellant be permitted to adduce additional evidence?



2) Whether appellant is entitled for enhanced compensation?

13. Finding on those points is in the affirmative for the following reasons:-

14. The appellant contended that during pendency of this appeal i.e., from 2021 till filing of this application, the appellant has spent the amount shown in medical bills amounting to Rs. 71,362/-. This is the subsequent development and thus appellant could not have produced these documents before the Tribunal. Hence, appellant be permitted to adduce additional evidence. Accordingly, point No.1 is answered in affirmative.

15. The claimant has sustained fracture of acetabulum, open fracture of right tibia; fracture of both bones of right leg with crush injury to right foot, heel pad avulsion. The appellant has taken treatment as inpatient for a period of about 3 months. Considering the nature of injuries sustained by him and the period of treatment, we



are of the opinion that under the head **pain and suffering** granting compensation of Rs.50,000/- is insufficient and the compensation under this head would be **Rs. 60,000/-** as there were three fractured injuries to the claimant.

16. As far as **loss of amenities** is concerned because of these fractured injuries, claimant would definitely get loss of amenities and thus the loss of amenities awarded by the trial Court at Rs.25,000/- is on lower side and claimant is entitled for **Rs. 50,000/-** under this head.

17. As far as **food, nourishment and laid up charges**, the claimant is entitled for **Rs.70,000/-** instead of Rs.50,000/-.

18. As far as the **disability** is concerned, the Tribunal has assessed it properly at 29% to the whole body when doctor assessed it at 85.86% to the affected portion and has taken the income of claimant as per the notional income chart prepared by KSLSA for Lokadalath as there



were no documents produced to show the actual income of the claimant. Hence, awarding of compensation under the head loss of future earning capacity is proper and it needs no interference. As far as attendant's charges and transportation expenses is concerned, the trial Court has granted a sum of Rs.1,72,045/- which needs no interference.

19. As far as medical expenses are concerned, the trial Court has granted the actual medical bills produced by the claimant. However, as discussed at point No.1, in this appeal, claimant has produced medical bills amounting to Rs.71,362/-. However, some of those bills are manual bills without proper prescription. Hence, considering these facts, the claimant is entitled for Rs.26,722/- towards further medical expenses which are the bills admitted by both sides.

20. With these modifications, the appellants-LRs of claimant are entitled for the following total compensation:-



Sl. No.	Particulars	Amount Rs.
1.	Loss of future earning capacity	4,56,750-00
2.	Loss of income during the laid up period	35,000-00
3.	Traveling expenses	1,72,045-00
4.	Loss of enjoyment of future amenities in life	50,000-00
5	Pain and suffering	60,000-00
6	Food and Nourishment	70,000-00
7	Medical expenses	9,20,200-00
8	Future Medical expenses	26,722-00
	Total	17,90,717-00

21. Hence, we pass the following:-

ORDER

1) The appeal is allowed in part.

2) The impugned judgment and award passed in MVC No.951/2018 dated 08.12.2020 on the file of Principal Senior Civil Judge and AMACT Ranebennur is modified to an extent that claimants would be entitled for total compensation of **Rs.17,90,717-00** as against the sum of **Rs.17,07,000-00** amount awarded by the Tribunal.



3) Enhanced compensation will carry interest at 6% per annum from the date of petition till realization.

4) Respondent-insurance company shall deposit the enhanced compensation amount along with accrued interest before the Tribunal within a period of 8 weeks from the date of receipt of certified copy of this judgment.

5) On such deposit, the same shall be released in favour of the appellants-LRs of claimant.

6) Draw modified award accordingly.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE