



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 3796 OF 2022 (MV-I)

BETWEEN:

SMT. HARINI M G
W/O. SRI. SUBBARAJE URS. H.S.
AGED ABOUT 51 YEARS,
R/AT D. NO. 270,
SIDDALINGESHWARA LAYOUT,
2ND STAGE,
KOPPALURU VILLAGE
MYSURU.

...APPELLANT

(BY SRI. SRIKANTH REDDY B.S., ADVOCATE FOR
SRI. MANMOHAN P.N., ADVOCATE)

AND:

1. SRI. KARTHIK C.N.
S/O. SRI. NANJUNDAIAH,
AGED ABOUT 30 YEARS,
R/AT D.NO.12,
4TH CROSS, K R VANAM,
ASHOKAPURAM,
MYSORE-570 008.
2. SRI. NANJUNDAIAH D
S/O SRI. DEVAPPA,
MAJOR,
R/AT D.NO.12,
4TH CROSS, K.R. VANAM,
ASHOKAPURAM,
MYSURU- 570 008.



3. M/S. NATIONAL INSURANCE CO.LTD,
NO.371 A, 1ST FLOOR,
PRESTIGE SHOPPING ARCADE,
RAMASWAMY CIRCLE,
MYSURU- 570 024.

...RESPONDENTS

(BY MS. KUSHI, ADVOCATE FOR
SRI. RAVISH BENNI, ADVOCATE FOR R3,
R1 AND R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 20.11.2021 PASSED IN MVC NO. 564/2019 ON THE FILE OF THE IV ADDITIONAL DISTRICT JUDGE AND MACT, MYSURU,` 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 MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimant challenging the judgment and award dated 20.11.2021 passed by the IV Additional District Judge and MACT, Mysuru (for short `Tribunal'), in MVC No.564/2019 seeking enhancement of compensation.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.



3. The brief facts of the case are that, on 23.10.2018 at about 9.30 p.m, the claimant met with an accident at V.V.Mohalla, KRS double road, Near Railway quarters compound, Mysuru due to rash and negligent riding of motor cycle bearing registration No.KA-09-EC-8541 as a consequence claimant sustained fracture of right ankle and other injuries. She underwent surgery and has suffered permanent disability. With these reasons, prayed to award compensation of Rs.6,19,081/-.

4. The respondent No.1 was the rider, respondent No.2 was the owner and respondent No.3 was the insurer of the offending motorcycle. All the three respondents have appeared before the Tribunal and denied the petition averments and respondent Nos.1 and 2 have stated that the said vehicle was insured with respondent No.3 and it is liable to pay the compensation. Respondent No.3 denied its liability to pay the compensation and prayed to dismiss the claim petition.



5. From the rival contentions of the parties, the Tribunal framed necessary issues.

6. The claimant to prove his case, examined two witnesses as PW-1 and PW-2 and marked 35 documents, as per Exs.P-1 to P-35. Respondent No.2 has not lead any oral evidence but marked Exs.R-1.

7. The Tribunal after hearing both parties and appreciating the evidence on record, by the impugned judgment, awarded the following amount of compensation:

Particulars	Amount in Rs.
Pain and suffering	25,000
Medical expenses	60,000
Disability	50,000
Future medical expenses	25,000
Food and nourishment	20,000
Attendant and traveling expenses	20,000
Loss of amenities	25,000
Total	Rs.2,25,000

Being aggrieved by the said award passed by the Tribunal, the claimant has filed the present appeal seeking enhancement of compensation.



8. Heard the arguments of the learned counsel appearing for the claimant as well as the insurer.

9. Learned counsel for the appellant/claimant contended that the compensation awarded by the Tribunal under the heads pain and suffering, disability, future medical expenses, loss of amenities are on the lower side. Hence, prayed for enhancement of the compensation.

10. Learned counsel for respondent No.3-insurer submitted that the Tribunal has properly considered the case of the claimant and has awarded a just and reasonable compensation, which does not call for any interference by this Court and prayed for dismissal of the appeal.

11. Fact of the accident is not in dispute. The injuries sustained by her, her income, age, multiplier are also not in dispute and there is no need to reconsider the same. The claimant is said to be working as a tailor. Therefore, fracture of right ankle would certainly affect her



working capacity. The Tribunal ought to have considered the same. However, global compensation of Rs.50,000/- was awarded towards disability even without calculating the said amount, which is erroneous. The amount of compensation awarded under the head pain and suffering, loss of amenities are on the lower side.

12. According to the claimant, she was earning Rs.6,000/- per month. There are no reason to disbelieve the said finding. She was aged about 46 years according to her own case. Therefore, multiplier applicable to the age 45 to 50 years is '13'. PW-2, who is a treated doctor has stated that claimant has suffered permanent disability of 27% to the right lower limb when compared to the whole body $\frac{1}{3}^{\text{rd}}$ of the same has to be taken. Therefore, she is suffering from permanent disability to an extent of 9%. Looking at the nature of work, disability is assessed as 10% to the whole body. On the basis of the said figures, amount of compensation under the head loss of



future earning capacity due to permanent disability is assessed.

13. The Tribunal has not awarded compensation under the head loss of income during laid up period. Looking at the nature of work, atleast for a period of 2 to 3 month she might not be in a position to work and she has lost her earnings. Accordingly, the claimant is entitled to following amount of compensation:

Particulars	Amount in Rs.
Pain and suffering	40,000
Medical expenses	60,000
Loss of income during the laid up period (6,000x3)	18,000
Future medical expenses	40,000
Food and nourishment	20,000
Attendant and traveling expenses	20,000
Loss of amenities	50,000
Loss of future earning capacity due to permanent disability (Rs.6,000x12x13x10%)	93,600
Total	Rs.3,41,600
Amount awarded by the Tribunal	Rs.2,25,000
Enhancement	Rs.1,16,600
Rounded off	Rs.1,17,000



The claimant is also entitled to interest on the enhanced amount at the rate of 6% p.a. from the date of its petition till the date of realisation.

14. Respondents are jointly and severally liable to pay the said amount of compensation.

15. In the result, I proceed to pass the following:

ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 20.11.2021, passed by the IV Additional District Judge and MACT, Mysuru in MVC No.564/2019 stands modified.
- iii) The claimant is entitled to enhanced compensation of Rs.1,17,000/- with interest at the rate of 6% p.a., from the date of petition till its realization, (future medical expenses of Rs.15,000/-does not carry interest.)
- iv) The respondent No.3 - Insurance Company shall deposit the amount within a



period of six weeks from the date of award.

v) The remaining portion of the award of the Tribunal shall remain unaltered.

vi) Amount enhanced is marginal, therefore, entire enhanced amount is ordered to be released in favour of the claimant on due identification.

vii) Draw award accordingly.

Registry is directed to send back the records along with a copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE