



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 3355 OF 2021 (MV-I)

BETWEEN:

JAYALAKAXMAMMA,
W/O SIDDIAH,
NOW AGED ABOUT 47 YEARS,
RESIDING AT NO.419,
NIDAGHATTA MADDUR TALUK,
MANDYA DISTRICT.

...APPELLANT

(BY SRI. RANGEGOWDA N.R., ADVOCATE)

AND:

1. MADHU
S/O RAJAPPA
AGED MAJOR
R/O NO.28,
SUBRAMANYA TEMPLE ROAD,
KUDIGERE VILLAGE AND POST,
BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT- 577 201.

2. UNITED INDIA INS. CO. LTD.,
REGIONAL OFFICE, 5TH FLOOR,
KRUSHI BHAVAN,
NRUPATHUNGA ROAD,
NEAR HUDSON CIRCLE
BANGALORE - 560 027.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R2,
VIDE ORDER DATED 12/11/2025,
NOTICE TO R1 IS DISPENSED)

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by ANNAPURNA
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Location: HIGH
COURT OF
KARNATAKA



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 23.02.2021 PASSED IN MVC NO. 5912/2018 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE AND MACT, BENGALURU (SCCH-11), 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 MR. JUSTICE UMESH M ADIGA

ORAL JUDGMENT

This appeal is filed by the claimant challenging the judgment and award dated 23.02.2021 passed by the I Addl.Small Causes Judge and MACT, Bengaluru (for short 'Tribunal'), in MVC No.5912/2018, seeking enhancement of compensation.

2. Though appeal is slated for admission, with consent of learned advocates appearing for both the sides, it is taken up for final disposal.

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



4. The brief facts of the case are that, on 31.08.2018 at about 7.30 a.m., the petitioner was sitting in a APE Autorickshaw bearing registration NoKA-11-A-7266, which was parked on the extreme left side on Bengaluru-Mysuru road, near somanahalli Industrial area, Maddur Taluk, Mandya District. The driver of Maruti Omni car bearing registration No.KA-14-Z-2681 came from Bengaluru towards Mysuru side driven it in a rash and negligent manner and hit the APE authorickshaw. As a result, the claimant sustained fracture of both femur bones of lower limb. She has suffered permanent disability of 67.4% to the lower limb. She was aged about 55 years at the time of the accident. She was a tailor and was earning Rs.15,000/- per month. Due to the injuries sustained in the accident, she has suffered permanent disability and loss of her earning capacity. With these reasons, the claimant has prayed for awarding of compensation.



5. The respondent No.1 was the owner and respondent No.2 was the insurer of the offending motorcycle. Respondents filed their respective written statement denying the petition averments. Respondent No.1 contended that the said vehicle was insured with respondent No.2, therefore, respondent No.2 is liable to pay the compensation. With these reasons, it prayed to dismiss the claim petition.

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

7. The claimant to prove her case, examined three witnesses as PW-1 to PW-3 and marked 17 documents, as per Exs.P-1 to P-17. Respondent No.2 has not lead any oral or documentary evidence.

8. 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 agony	50,000
Medical expenses	22,220
Food, attendant, conveyance, nourishment and other incidental charges etc.,	8,700
Loss of income during laid up period	27,000
Loss of earning capacity	2,37,600
Loss of amenities in life	20,000
Future medical expenses	15,000
<i>Total</i>	Rs.3,80,520/-

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

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

10. Learned counsel for the appellant/claimant contended that the compensation awarded by the Tribunal is inadequate; The Tribunal has not considered the income of the claimant properly and the disability assessed is also on the lower side; The compensation awarded under other heads are also on the lower side. Hence, prayed for enhancement of the compensation.



11. Learned counsel for respondent No.2-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.

12. Fact of the accident, injuries sustained by the claimant and disability assessed by the Tribunal and multiplier applied are not in dispute and there is no need to reconsider the same.

13. The claimant had sustained fracture of shaft of femur and subtrochanteric fracture on right femur and other injuries. She was admitted as in-patient from 31.08.2018 to 20.09.2018 and again admitted from 04.10.2018 to 11.10.2018 for 29 days. She underwent surgery and implants were fixed. She was a tailor and was earning Rs.15,000/- per month. The Tribunal has taken income as Rs.9,000/- per month. The claimant was



not able to prove her income before the Tribunal, therefore, notional income was taken as Rs.9,000/- per month. On comparison with the notional income chart prepared by the Karnataka State Legal Services Authority, the income of the claimant ought to be taken as Rs.12,000 per month instead of Rs.9,000/-, which is on the lower side.

14. On re-appreciation of evidence and materials available on record, the disability assessed by the Tribunal is proper and it does not call for interference by this Court. The multiplier applicable in the case in hand is also just and there is no need to reconsider the same. On the basis of the aforesaid materials, compensation under the head 'future earning capacity' due to permanent disability is to be recalculated.

15. Looking at the materials available on record, the amount of compensation awarded by the Tribunal except medical expenses are on the lower side. The



claimant was doing tailoring work. She has sustained fracture of both femur, therefore, she might not be able to peddle the machine atleast for a period of 4 to 5 months. The Tribunal has awarded compensation only for a period of three months, which requires enhancement. Looking at nature of the injuries and the disability assessed by PW-2, as well as the difficulties stated by PW-1, the compensation awarded under the head of loss of amenities is also on the lower side. PW-2 has stated that she has to undergo two surgeries for removal of implants. PW-3 - doctor, who has given disability certificate has stated that the claimant has to undergo two surgeries for removal of implants for lower limb. Therefore, future medical expenses awarded by the Tribunal is on the lower side.

16. For the aforesaid discussions, the claimant is entitled to following amount of compensation :



Particulars	Amount in Rs.
Pain and suffering	80,000
Medical expenses	22,220
Attendant expenses, special diet and conveyance charges	30,000
Loss of income during laid up period (Rs.12,500 x 5)	62,500
Loss of income due to permanent disability (Rs.12,500x12x11x20%)	3,30,000
Future medical expenses	25,000
Loss of amenities	50,000
<i>Total</i>	<i>5,99,720</i>
<i>Amount awarded by the Tribunal</i>	<i>3,80,520</i>
<i>Enhancement-</i>	<i>2,19,200</i>
<i>Rounded off -</i>	<i>2,20,000</i>

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

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

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



ORDER

- i) The Appeal is ***allowed in part.***
- ii) The judgment and award dated 23.02.2021 passed by the I Addl.Small Causes Judge & MACT, Bengaluru in MVC No.5912/2018 stands modified.
- iii) The claimant is entitled to enhanced compensation of Rs.2,20,000/-, with interest at the rate of 6% p.a., from the date of petition till its realization.
- iv) The respondent No.2 - 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) Draw award accordingly.



NC: 2025:KHC:52304
MFA No. 3355 of 2021

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

Sd/-
(UMESH M ADIGA)
JUDGE

AG
List No.: 1 Sl No.: 19