



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 7074 OF 2022 (MV-I)

BETWEEN:

SMT. CHENNAMMA
AGED ABOUT 61 YEARS
W/O LATE ELAPPA
R/O BEHIND VENUGOPALA SWAMY TEMPLE
BYATARAYANAPURA
BENGALURU NORTH
BENGALURU - 560 092

PERMANENT ADDRESS:
KADALAVENI VILLAGE
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT - 561 208.

...APPELLANT

(BY SRI. NAGARAJA REDDY D, ADVOCATE)

AND:

1. RAGHAVENDRA M
MAJOR
S/O KASTURI RANGAPPA
R/A UPPARA COLONY
GOWRIBIDANUR TOWN
CHIKKABALLAPURA DISTRICT - 561 208.
2. CHOLAMANDALA MS. GEN. INSURANCE CO. LTD.,
UNIT - IV, 9TH FLOOR (LEVEL-6)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



GOLDEN HEIGHTS COMPLES.
59TH C CROSS, INDUSTRIAL SUBURB
RAJAJINAGAR, 4TH M BLOCK,
BENGALURU - 560 010
REP. BY ITS MANAGER

...RESPONDENTS

(BY SRI. MALLIKARJUN REDDY, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
APPEAL AGAINST R1 IS ABATED VIDE ORDER DATED
04.12.2025)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.07.05.2022 PASSED IN MVC
NO.1820/2019 ON THE FILE OF THE IX ADDITIONAL SMALL
CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7,
BENGALURU, (SCCH-15), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, 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 being aggrieved
by the judgment and award dated 07th May 2022, passed
by the IX Additional Small Causes Judge, Court of Small
Causes, Member, MACT-7, Bengaluru, (SCCH-15) (for



short `Tribunal'), in MVC No.1820/2019, seeking enhancement of compensation.

Though this appeal is slated for orders, with the consent of both the parties it is taken up for final disposal.

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 29.01.2019, at about 9.00 a.m., the claimant met with an accident by involvement of the vehicle bearing registration No.KA-40-X-2848 at Kadalaveni Village in Gowribidanur Taluk. As a result, the claimant sustained fracture of right humerus. He has suffered permanent disability. With these reasons, prayed to award compensation.

4. The fact of accident and injury sustained by the claimant are not in dispute. Therefore, there is no need to reconsider the same.



5. The only dispute in this case is that the Tribunal has not awarded just compensation. The Tribunal has not taken income of the claimant properly and no amount of compensation was awarded under the heads of loss of income during laid up period and loss of future earning capacity due to permanent disability. Therefore, prayed to award the compensation.

6. Learned counsel for the respondents seriously opposes the same and submits that the claimant was aged about 70 years at the time of accident and she herself was dependent upon the earnings of others. Therefore, the question of loss of income during laid up period or future earning capacity does not arise. Hence, prayed to dismiss the appeal.

7. According to the contention of the claimant-petitioner, she was aged about 59 years at the time of accident. She had produced her Aadhaar card and on that basis, her age was taken as 70 years. The wound



certificate produced at Ex.P.6 shows that her age was 59 years. In her cross-examination, it was suggested that she was aged about 70 years and was unable to do any kind of work, which she denied. Looking at these considerations, there is no material on record to show that she was incapable of doing any work. For the purpose of calculating compensation, the Tribunal may be justified in taking her age as 70 years on the basis of Aadhar records. However, solely on that basis, it is incorrect to hold that she was incapable to work and earn.

8. The claimant has contended that she was earning income of Rs.30,000/- p.m., from agriculture and milk vending. She was unable to prove the same before Tribunal. Hence, her notional income shall be assessed. Following the notional income chart prepared by the KSLSA her come is taken as Rs.14,000/- p.m.

9. According to evidence of PW.2, the claimant has been suffering from permanent disability to the right upper



limb to an extent of 57.97% and he has assessed the whole body disability at 19.32%. The said assessment given by PW.2 is highly inflated. Even if we consider the Schedule I of the Employees' Compensation Act, the amputation of one hand below elbow may lead to permanent disability of 60% to 70%. Therefore, fracture which is united as per his evidence, cannot lead to a disability of 57.97% to the right upper limb. Considering the materials on record, her disability is taken as 10%.

10. As per the case of ***Sarla Verma And Others Vs. Delhi Transport Corporation And Another¹***, the multiplier applicable in this case is '5' and on that basis, the compensation is calculated under the heads of loss of income during laid up period and loss of future earning capacity due to permanent disability.

11. The amount of compensation awarded under the other heads namely pain and suffering, medical expenses and incidental expenses are proper and does not

¹ 2009 ACJ 1298



call for any interference. PW.1 and PW.2 have stated difficulties of the petitioner-claimant in doing day-to-day work. Considering the same, compensation awarded under the head loss of amenities shall be enhanced. Accordingly, the claimant is entitled to the following amount of compensation:

Particulars	Amount in Rs.
Pain and sufferings	50,000/-
Medical expenses	22,324/-
Special diet, conveyance and attendant charges	20,000/-
Loss of income during laid up period (Rs.14,000/- x 2)	28,000/-
Loss of future earning capacity due to disability (Rs.14,000/- x 12 x 5 x 10%)	84,000/-
Loss of amenities	30,000/-
<i>Total</i>	<i>2,34,324/-</i>
<i>Amount awarded by the Tribunal</i>	<i>1,12,324/-</i>
Enhancement-	1,22,000/-



12. The claimant is entitled to interest on the enhanced compensation amount at the rate of 6% per annum from the date of claim petition till its realisation. Undisputedly, respondent No.2 is liable to pay the said amount.

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

ORDER

i) The Appeal is ***allowed in part.***

ii) The judgment and award dated 07th May 2022, passed in MVC.No.1820/2019, by the IX Additional Small Causes Judge, Court of Small Causes, Member, MACT-7, Bengaluru, (SCCH-15), stands modified;

iii) The claimant is entitled to enhanced compensation of Rs.1,22,000/-, with interest at the rate of 6% p.a. from the date of petition till its realization.

iv) The claimant is aged about 70 years. Therefore, if part of the amount is deposited in the bank she may not enjoy the fruits of the



award. Hence, the entire enhanced amount shall be released in her favour on due identification.

v) Draw award accordingly.

Registry is directed to send copy of this judgment to the concerned Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE

AMA
List No.: 1 Sl No.: 4