



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 6925 OF 2023 (MV-I)

BETWEEN:

VENKATESHA
S/O LATE ANNAYA
ALIAS ANNAIAH SHETTY,
NOW AGED ABOUT 46 YEARS,
RESIDING AT
BEVINAHALLI,
KRISHNARAJAPET,
MANDYA,
KARNATAKA - 571402

...APPELLANT

(BY SMT. SUSHMITHA G., ADVOCATE)

AND:

1. D VINODKUMAR
S/O DEVARAJ
MAJOR
RESIDING AT NO.22, 1ST FLOOR
RT LAYOUT, D/H NAVADEEP SCHOOL
GAYATRI EXTENSION,
K.R. PURAM
BENGALURU- 560 036.
2. M/s. IFFCO-TOKIO
GENERAL INSURANCE CO. LTD.,
NO.141, SRI SHANTHI TOWERS,
5TH FLOOR, 3RD MAIN
NGEF LAYOUT,
KASTURINAGAR

Digitally signed
by
ANNAPURNA G
Location: HIGH
COURT OF
KARNATAKA



NC: 2025:KHC:50489
MFA No. 6925 of 2023

BENGALURU- 560 043.
REP. BY ITS MANAGER

...RESPONDENTS

(BY SRI. C. SHANKARA REDDY, ADVOCATE FOR R2,
VIDE ORDER DATED 01.04.2025,
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLES ACT, AGAINST THE JUDGMENT AND AWARD DATED 25.03.2023 PASSED IN MVC NO.291/2022 ON THE FILE OF THE III ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER AND MACT, BENGALURU, (SCCH-18), 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 is claimant's appeal for enhancement of compensation awarded by the Tribunal vide its judgment and award dated 25.05.2023 passed in MVC No.291/2022.

2. This matter is listed for admission and with the consent of learned advocates for both sides it is taken up for final disposal.



3. Parties are referred to as per their rankings before the Tribunal.

4. The brief facts of the case are that:

Petitioner met with an accident on 30.09.2021 at 9.30 p.m. on Hosur-Bengaluru road at National Highway No.7 at Hebbagodi, due to rash and negligent driving of lorry bearing Registration No.RJ-14-GC-7409. As a result, claimant sustained grievous injuries on his left leg and his left leg above the knee joint was amputated. He has suffered permanent disability. With these reasons, prayed to award compensation.

5. Considering the pleadings of the parties, the Tribunal framed necessary issues, recorded the evidence and after hearing the arguments and after appreciation of the pleadings and evidence on record, held that accident occurred due to negligence of driver of the lorry and awarded following amount of compensation:



SL.NO.	DESCRIPTION	AMOUNT
1.	Pain and sufferings	Rs. 1,00,000/-
2.	Medical expenses	Rs. 35,469/-
3.	Loss of income during laid up period and rest period	Rs. 45,000/-
4.	Attendant, Nourishment and conveyance charges	Rs. 25,000/-
5.	Loss of future income	Rs. 11,70,000/-
6.	Loss of amenities	Rs. 75,000/-
7.	Future medical expenses	Rs. 70,000/-
	Total	Rs. 15,20,469/-

6. Tribunal taken income of the claimant as Rs.15,000/- per month, applied multiplier `13' taking his age as 44 years and assessed disability as 50% as stated by PW2 and calculated the compensation.

7. Heard the arguments of learned counsel for appellant and respondent No.2.

8. The learned counsel for appellant contends that Tribunal has not awarded just and reasonable amount of compensation on all the heads. Tribunal has taken disability as 50%, as per Schedule I and Part II, Sl.No.17 or 18 of the Employees Compensation Act, amputation of



leg above the knee joint, the disability has to be assessed as 70% to 80%.

9. In the case of ***Sanjay Rajpoot Vs Ram Singh and others*** in ***Civil Appeal No.2321/2025***, the Hon'ble Apex Court in such an instance assessed the permanent disability at the rate of 90%. The said principle applicable to facts of the present case. It is further contended that Co-ordinate Bench of this Court in ***MFA No.1318/2021(MV-I)*** in the case of ***M.Mani Vs A. Gulsar and another*** in the judgment dated 19.01.2024, held that amputation of leg may lead to disability of 80%.

10. Considering the said facts, disability in this case also may be taken as 90% of the whole body. The Tribunal has not added future prospects to the income of the claimant. If that is the case, considering the same compensation amount may be enhanced.

11. Learned counsel for respondent seriously opposes the claim of the appellant and further stated that



in the event if this Court comes to conclusion that claimant is entitled to enhancement then 25% future prospects may be added to the income of the claimant and on that basis enhance the compensation. With these reasons, prayed to dispose of the matter.

12. Fact of the accident and injury sustained by the claimants are not in serious dispute. Therefore, there is no need to reconsider the same. Claimant had sustained grievous injuries to the left leg and his left leg above the knee joint was amputated. Though PW2 was examined, he has not stated regarding the length of the stump after amputation. Even he has not mentioned regarding feasibility of artificial limb. The disability stated by PW2 as 50% may be physical disability. Tribunal has to consider functional disability due to the said amputation. In Schedule I, Part II of the Employees Compensation Act, if the length of the stump is above 12 centimeters, disability shall be ranging from 60% to 90%. It all depends upon the length of the stump after amputation.



13. The Hon'ble Apex Court in the case of **Sanjay Rajpoot** (referred to supra) assessed permanent disability at 90% in a case wherein the victim has suffered amputation of leg above the knee. Similarly in the case of M.Mani referred to supra, disability is considered as 80% in case of amputation of left leg above the knee. Therefore in this case, claimant was aged about 45 years and he was said to be a Mason and wholesale business of tender coconut. Upon considering the nature of work of claimant, his age and occupation as a tender coconut dealer and other materials on record, disability of the claimant is taken as 80% to the whole body.

14. There is no dispute regarding multiplier applicable as well as income of the claimant. Since the claimant has suffered permanent disability of 80%, future prospect of 25% has to be added to his income. Amount of compensation awarded by the Tribunal is on the lower side, which requires enhancement.



15. Looking at the nature of injuries, it might not be possible for petitioner atleast for a period of 6 to 7 months to attend to his work and during those period someone must have attended him around the clock since he lost his left leg. Therefore all his daily pursuits has to be done on the bed. Considering these facts, the amount of compensation awarded under the head 'loss of income during laid up period' and 'attendant charges' has to be enhanced. Accordingly, claimant is entitled to following amount of compensation.

SL.NO.	DESCRIPTION	AMOUNT
1.	Pain and sufferings	Rs. 1,00,000/-
2.	Medical expenses	Rs. 35,469/-
3.	Loss of income during laid up period Rs.15,000x6	Rs. 90,000/-
4.	Attendant, Nourishment and conveyance charges	Rs. 75,000/-
5.	Loss of future earning capacity due to permanent disability Rs.15,000+25%x12x14x80%	Rs. 25,20,000/-
6.	Loss of amenities	Rs. 75,000/-
7.	For artificial limb	Rs. 1,30,000/-
	Total	Rs. 30,25,469/-
	Less compensation awarded by the Tribunal	Rs. 15,20,469/-
	Enhancement	Rs. 15,05,000/-



16. Claimant is entitled to interest on the enhanced compensation excluding the medical expenses, at the rate of 6% per annum from the date of petition till its realization. Undisputedly, respondents are liable to pay the same. Accordingly, following:

ORDER

- (i) Appeal is allowed in part.
- (ii) Impugned judgment and award dated 25.03.2023 passed by the III Additional Judge, Small Causes Court, Bengaluru, in MVC No.291/2022 is modified.
- (iii) Claimant is entitled to enhanced compensation of Rs.15,05,000/- (Rupees Fifteen Lakhs Five Thousand Only) with interest at the rate of 6% per annum from the date of petition till its realisation excluding the amount of future medical expenses of Rs.1,30,000/-.



- (iv) Remaining portion of the award passed by the Tribunal is not disturbed.
- (v) Respondent No.2 shall deposit the said amount within a period of six weeks from the date of award.
- (vi) Send back the trial Court records along with the copy of this Judgment to the Tribunal.

Sd/-
(UMESH M ADIGA)
JUDGE