



NC: 2026:KHC:45554  
MFA No. 486 of 2023

CNR: KAHC010034792023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**MISCELLANEOUS FIRST APPEAL NO. 486 OF 2023 (MV-I)**

**BETWEEN:**

SRI. CHANNAKRISHNA  
S/O CHOWDAPPA  
NOW AGED ABOUT 52 YEARS  
R/AT NO. 290,  
4<sup>TH</sup> CROSS, HOSUR MAIN ROAD,  
ASHRAYA MANEGALU, ANEKAL,  
BENGALURU RURAL DISTRICT.

...APPELLANT

(BY SRI. GOPAL KRISHNA.N, ADVOCATE)

**AND:**

1. SRI. MADHU. M  
S/O MUNIRAJAPPA  
MAJOR,  
R/AT SANTHEKALLAHALLI VILLAGE AND POST  
CHINTAMANI TALUK,  
CHIKKABALLAPURA – 563 128

2. THE LIBERTY GENERAL INSURANCE COMPANY LTD.,  
OFFICE NO.1, ALYSSA  
FIRST FLOOR, REAR PORTION  
NEW NO. 23, RICHMOND ROAD  
BANGALORE – 560 025  
REP BY ITS MANAGER

...RESPONDENTS

(BY SRI. RAVI.S.SAMPRATHI, ADVOCATE FOR R2;  
V/O DATED 03.06.2024, NOTICE TO R1- D/W)



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THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.11.2022 PASSED IN MVC NO.2965/2021 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 IN TIME.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

### **ORAL JUDGMENT**

This appeal by the claimant seeking enhancement of compensation arising out of Judgment and Award dated 02.11.2022 in MVC.No.2965/2021 passed by the I Additional Small Causes Judge and Motor Accident Claims Tribunal, Bengaluru (SCCH-11)<sup>1</sup>.

2. The parties are referred to as per their ranking before the Tribunal.

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<sup>1</sup> 'Tribunal' for short



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3. Heard Sri.Gopalakrishna.N, learned counsel appearing for Smt.Sushmitha.G, learned counsel for the appellant and Sri. Ravi S.Samprathi, learned counsel appearing for respondent No.2/Insurer. Vide order dated 03.06.2024, notice to respondent No.1 is dispensed with.

4. Sri.Gopalkrishna, with all vehemence taking this Court to internal Page No.14 of the Judgment, contended that the doctor who has been examined has clearly stated the present status of the claimant, with the disability assessed by him at 65% to the right lower limb and 25% to both wrist and has stated that 28% to the whole body. However, the Tribunal has considered it at 21%. He further submits that, the compensation awarded on the other heads except the medical expenses and conveyance requires re-consideration and sought to enhance the compensation.

5. Sri. Ravi S.Samprathi, argued in support of the judgment and submits that, the Tribunal after considering



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the entire case properly appreciated the evidence and awarded appropriate compensation. However, with all fairness Sri.Ravi S.Samprathi, submits that the disability ought to have been considered at 28% as stated by the doctor.

6. Having considered the rival submissions this Court has perused the entire appeal papers as well as trial Court record.

7. It is not in dispute with regard to the fracture suffered i.e., head injury with facial bones fracture, fracture of right neck of femur, bilateral distal radius fracture, right distal femur comminuted fracture and the claimant has underwent ORIF for the distal femur with LCP, bipolar hemi-replacement, arthroplasty for right neck of femur fracture, closed reduction and K-Wire fixation for left and right distal end of the radius. The doctor has assessed the lower limb disability at 65% and both the wrist at 25% and to the whole body at 28%. The entire



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disability when added comes to 90%. 1/3<sup>rd</sup> of the same comes to 30%. Though the doctor has stated 28%, this Court proceeds to consider it at 30%. In view of considering the disability more than 20%, the claimant is also entitled for adding of future prospectus in view of settled principles of law by the Hon'ble Supreme Court.

8. Considering the age of petitioner, 53 years as on the date of accident, he is entitled for adding 10% towards future prospectus. A perusal of the compensation awarded under other heads, except medical expenses requires reconsideration.

9. In view of multiple fractures suffered, surgeries undergone and medical expenses incurred, the claimant is entitled for enhancement of compensation, which is as under:



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| Sl. No. | Heads                                                    | Compensation awarded by the Tribunal In Rs. | By this Court In Rs.                     |
|---------|----------------------------------------------------------|---------------------------------------------|------------------------------------------|
| 1.      | Towards injury pain and suffering                        | 55,000-00                                   | 1,00,000-00                              |
| 2.      | Towards medical expenses                                 | 51,872-00                                   | 51,872-00                                |
| 3.      | Towards food and extra nourishment and medical attendant | 6,400-00                                    | 20,000-00                                |
| 4.      | Towards conveyance                                       | 10,000-00                                   | 20,000-00                                |
| 5.      | Towards loss of income during treatment                  | 30,000-00                                   | 90,000-00<br>(Rs.15,000x6)               |
| 6.      | Towards loss of future earning                           | 4,15,800-00                                 | 6,53,400-00<br>(Rs.15,000+10%x12x11x30%) |
| 7.      | Deprivation of future amenities                          | 10,000-00                                   | 1,00,000-00                              |
| 8.      | Toward future Medical Expenses                           | 20,000-00                                   | 50,000-00                                |
|         | <b>TOTAL</b>                                             | <b>5,99,072-00</b>                          | <b>10,85,272-00</b>                      |

10. Accordingly, the claimant is entitled for enhanced compensation of Rs.4,86,200/- rounded off to **Rs.4,87,000/-** which shall carry at 6% p.a., from the date of petition till realisation.

11. For the foregoing reasons, this Court proceeds to pass the following:



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### **ORDER**

- i. Appeal is ***allowed-in-part***.
- ii. The judgment and award dated 02.11.2022 in MVC.No.2965/2021 passed by the I Additional Small Causes Judge and Motor Accident Claims Tribunal, Bengaluru (SCCH-11) is hereby modified and enhanced to ***Rs.4,87,000/-*** which shall carry interest at the rate of 6% per annum from the date of petition till realisation.
- iii. Respondent No.2/Insurer shall deposit entire enhanced compensation along with accrued interest stated supra within six weeks from the date of receipt of copy of this order.
- iv. Upon deposit, entire amount shall be released in favour of the claimant on proper identification.



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v. Registry is directed to transmit the Trial  
Court records forthwith to the concerned  
Tribunal without causing any delay.

**Sd/-**  
**(T.M.NADAF)**  
**JUDGE**

PK  
List No.: 1 Sl No.: 25