



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 1747 OF 2019 (MV-I)

BETWEEN:

MAHADEVANAIIKA

S/O VEERANAIIKA, 34 YEARS

R/O KONANAHOSHALLI VILLAGE

DODDAHEJJUR POST,

HANAGODU HOBLI, HUNSUR TALUK

MYSURU DISTRICT - 571 105.

...APPELLANT

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

(BY SMT. SUMA K, ADVOCATE FOR

SRI. PADMANABHA KEDILAYA V, ADVOCATE)

AND:

1. AROGYASWAMY

S/O LATE CHINNAPPA

AGED ABOUT 44 YEARS



R/AT NO.1748, HOUSING BOARD COLONY
H.D. KOTE TOWN POST AND TALUK
MYSURU DISTRICT - 571 121.

2. UNITED INDIA INSURANCE CO. LTD.,
BRANCH OFFICE, CLUB COMPLEX
POST OFFICE ROAD
HUNSUR TOWN - 571 105.

...RESPONDENTS

(BY SRI. B.A. RAMAKRISHNA, ADVOCATE FOR R2;

VIDE ORDER DATED 08.08.2022, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 12.12.2018 PASSED IN MVC
NO.216/2015 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL
JUDGE & JMFC, MACT, HUNSUR, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

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



CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Ms.Suma.K, who represents Sri.Padmanabha Kedilaya.V learned counsel on record for the appellant as well as Sri.B.A.Ramakrishna learned counsel for respondent No.2.

2. Challenge in this appeal is the award that is passed by the Motor Accident Claims Tribunal, Hunsur in MVC No.216/2015 dated 12.12.2018. This is a claimants appeal.

3. The claim of the appellant is for Rs.15,65,000/- in total. However the tribunal through the impugned order held that he is entitled to a sum of Rs.3,75,706/- as compensation. Aggrieved by the same the claimant is before this Court.

4. Stressing upon the point that the compensation granted is too meager, learned counsel for the appellant submits that appellant sustained multiple injuries in a road traffic accident. One of those injuries resulted in amputation of foot. Appellant was a coolie by profession but due to the injuries sustained, he lost his entire livelihood. Though PW2 stated that the disability is 56%, Tribunal took the disability as



19% only. Learned counsel further states that without any basis tribunal took the notional income of the appellant as Rs.6,000/- per month. Learned counsel also submitting that compensation granted under all heads is too meagre and that no compensation is awarded for the future medical expenses, seeks for enhancement.

5. Learned counsel for respondent No.2 on the other hand states that the disability of 56% as spoken by PW2 is only in respect of a particular limb. Learned counsel submits that the disability assessed by the tribunal i.e. 19% in respect of whole body is highly justifiable. Learned counsel also contented that the accident occurred in the year 2014 and for the relevant period the Karnataka State Legal Services Authority is taking the notional income as Rs.8,500/- per month for settlement of the claims and taking said figure into consideration there may be marginal enhancement.

6. By all the evidence produced, appellant succeeded in establishing that he sustained abrasion over left wrist, abrasion over right forearm, abrasion over palm and a grievous injury to right fore foot. The evidence of PW2 goes to show that on X-



ray, commuted fractures of both bones of foot including metatarsal and tarsal bones was found and the appellant was operated and the fracture was fixed with multiple K wires but the fore foot became gangrenous and therefore mid foot amputation was done. Thus, by the evidence of PW2 it is clear that the crush injury sustained to right foot resulted in mid foot amputation. Though PW2 stated that the disability is 56%, he did not state that such disability is in respect of whole body.

7. Having considered the totality of evidence produced, the tribunal rightly held that the disability in respect of whole body can be taken as 19% and the same thus requires no interference.

8. Having considered the submission that is made by learned counsel for respondent No.2, this Court considers desirable to take the notional income of the appellant as Rs.8,500/- per month. Thus on taking the notional income as Rs.8,500/- per month and without disturbing the other parameters i.e. application of appropriate multiplier '17' and the disability in respect of whole body as 19%, the compensation which appellant is entitled to receive towards



loss of future earnings comes to Rs.3,29,460/- (8,500 x12x17x19%).

9. Tribunal granted a sum of Rs.12,000/- only towards loss of income during laid up period. But having considered the nature of injuries sustained and the extensive treatment taken, this Court is of the view that appellant could not have attended his normal pursuits at least for a period of 6 months. Therefore, loss of earnings during laid up period comes to Rs.51,000/- (8,500x6). Further this Court is of the view that the compensation granted by the Tribunal under all other heads is also on lower side and justifiable sum is required to be awarded. That apart, no amount is awarded for the medical expenses which the appellant is required to incur in future in the light of the fact that the grievous injury to the foot resulted in mid foot amputation. This Court is of the view that appellant is entitled to a sum of Rs.25,000/- towards future medical expenses. Thus compensation which appellant is entitled to receive under each head is as under:-



Heads	Amount in Rs.
Compensation for pain and suffering	50,000
Towards food, extra nourishment, conveyance and attendant charges	20,000
Medical expenses	97,146
Loss of future earnings	3,29,460
Loss of income during laid up period	51,000
Loss of amenities	30,000
Future medical expenses	25,000
Total	6,02,606

10. Thus the discussion on the material aspects of the case reveals that the appellant is entitled to a sum of Rs.6,02,606/- as compensation. Therefore the appeal is disposed of with the following:-

ORDER

- i. Appeal is allowed in part.
- ii. Compensation that is granted by the Motor Accident Claims Tribunal, Hunsur through orders in MVC No.216/2015 dated 12.12.2018 is enhanced from Rs.3,75,706/- to Rs.6,02,606/-.



- iii. The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- iv. Respondent No.2 is directed to deposit the enhanced sum within a period of 8 weeks from the date of receipt of certified copy of this judgment.
- v. On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 6