



CNR: KAHC010086952025

NC: 2026:KHC:53133  
MFA No. 1019 of 2025

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

**DATED THIS THE 25<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL No. 1019 OF 2025**

**(MV-I)**

**BETWEEN:**

SIDDAPPA  
S/O BHEEMAPPA @ SIDDAPPA  
AGED ABOUT 58 YEARS  
R/I C/O M MAHANTESH  
S/O MARAPPA, IUDP LAYOUT  
11<sup>TH</sup> CROSS, NEAR WATER TANK  
CHITRADURGA  
PIN CODE- 577 501

...APPELLANT

(BY SRI ASHWATH C M, ADVOCATE  
SRI PRAKASHA H C, ADVOCATE)

**AND:**

1. M KUMAR  
S/O MARIGOWDA  
AGED ABOUT 52 YEARS  
R/O VADDARAHALLI VILLAGE  
ARAKALAGUDU TALUK  
HASSAS DISTRICT -577 201.  
(OWNER OF LORRY)
2. THE MANAGER  
HDFC ERGO GENERAL INSURANCE COM. LTD.,  
COLLECTING OFFICE

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JUDGE, HIGH COURT OF KARNATAKA





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B .D. ROAD, NEAR HDFC BANK  
CHITRADURGA -577 501.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR  
SRI B PRADEEP, ADVOCATE FOR R2  
V/O DTD. 30.07.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT  
AGAINST THE JUDGMENT AND AWARD DATED:25.04.2024  
PASSED IN MVC No.1234/2022 ON THE FILE OF THE I  
ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT-IV,  
CHITRADURGA, 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 SHIVASHANKAR AMARANNAVAR

### **ORAL JUDGMENT**

This appeal is filed by the appellant/claimant seeking  
enhancement of compensation awarded in judgment and  
award dated 25.04.2024 passed in MVC No.1234/2022 by  
the I Additional Senior Civil Judge and Additional MACT-IV,  
Chitradurga.

2. The appellant/claimant made a claim petition  
praying to award compensation for the injuries sustained  
by him in a road traffic accident occurred on 30.11.2021

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contending that the accident occurred due to rash and negligent driving of the driver of Lorry bearing Regn.No.KA-02/C-6814. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

| Sl.No. | Heads                                                           | Amount in (Rs.)   |
|--------|-----------------------------------------------------------------|-------------------|
| 01.    | Loss of income due to disability                                | 2,36,520/-        |
| 02.    | Pain and suffering                                              | 20,000/-          |
| 03.    | Medical expenses                                                | 400/-             |
| 04.    | Loss of income during laid-up period (calculated for one month) | 15,000/-          |
| 05.    | Food and nourishment                                            | 10,000/-          |
| 06.    | Attendant charges, conveyance etc.                              | 10,000/-          |
|        | <b>Total</b>                                                    | <b>2,91,920/-</b> |

3. The Tribunal also awarded interest @ 6% p.a. from the date of petition till realization and directed respondent No.2/insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

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4. Heard learned counsel for the appellant and learned counsel for respondent No.2/insurer.

5. Learned counsel for the appellant would contend that the occupation of the claimant is agriculture and hamali work and considering the fractures sustained, the disability taken by the Tribunal to the whole body at 14.6% is not proper and functional disability is to be taken into consideration. Considering the fractures sustained, the compensation awarded towards pain and suffering is on lower side. The Tribunal has not awarded loss of amenities. Considering the fractures, the claimant has to take rest atleast for three months. With this he prayed to allow the appeal.

6. Learned counsel for respondent No.2/insurer would contend that the compensation awarded on all heads is just and proper and disability taken by the Tribunal is correct. With this he prayed to dismiss the appeal.



7. Having heard the learned counsels this Court has perused the judgment and award.

8. The accident occurred on 30.11.2021 and as on the date of accident, the claimant was aged 60 years. Considering the said age of the claimant, the Tribunal has rightly taken multiplier '9' and considering the year of accident, the Tribunal has rightly taken notional income of Rs.15,000/- p.m.

9. The claimant has sustained injuries to the right hip and thigh causing inter trochentric fracture of right femur and fracture of inferior public rami and there is malunion of fracture and secondary osteo arthritis of right hip and implants PFN nail and bolts are seen in the X-ray. Considering the said injuries sustained by the claimant, the compensation awarded by the Tribunal towards pain and suffering in a sum of Rs.20,000/- is enhanced to Rs.70,000/-. The Tribunal has not awarded loss of amenities. The claimant is entitled to loss of amenities in



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a sum of Rs.50,000/-. Considering the fractures and age of the claimant i.e. 60 years, he has to take rest atleast for 3 months and therefore, he is entitled to loss of income during laid up period for three months in a sum of Rs.45,000/- (Rs.15,000 x 3 months) as against Rs.15,000/- awarded by the Tribunal. The Tribunal has rightly awarded medical expenses of Rs.400/-, food and nourishment in a sum of Rs.10,000/- and attendant, conveyance charges in a sum of Rs.10,000/-.

10. PW.2 is the Doctor who has examined the claimant and assessed his disability and stated that the claimant has sustained disability of 44% to right thigh. PW.2 has stated that the fractures are mal-united and there is secondary osteo arthritis of right hip. Considering the said aspect, the functional disability is to be taken and it is taken at 18% as against 14.6% taken by the Tribunal. In view of the above, the loss of future income due to disability is calculated as under:

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Rs.15,000 x 12 x 9 x 18% = Rs.2,91,600/-

11. In view of the above, the claimant is entitled to compensation under various heads as under:

| Sl.No. | Heads                                   | Amount in (Rs.)   |
|--------|-----------------------------------------|-------------------|
| 01.    | Pain and suffering                      | 70,000/-          |
| 02.    | Loss of amenities                       | 50,000/-          |
| 03.    | Medical expenses                        | 400/-             |
| 04.    | Loss of income during laid up period    | 45,000/-          |
| 05.    | Food and nourishment                    | 10,000/-          |
| 06.    | Attendant and conveyance charges        | 10,000/-          |
| 07.    | Loss of future income due to disability | 2,91,600/-        |
|        | <b>Total</b>                            | <b>4,77,000/-</b> |

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.4,77,000/- as against Rs.2,91,920/- awarded by the Tribunal with interest. Consequently, the claimant is entitled to enhanced compensation of Rs.1,85,080/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.2/insurer is liable to pay the said enhanced compensation with interest.

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13. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.1,85,080/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.2/insurer shall deposit the enhanced compensation with interest before the Tribunal within a period of six weeks from this day.
- iv) Appellant/claimant is entitled to release of entire enhanced compensation.

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AMARANNAVAR  
JUDGE, HIGH COURT OF KARNATAKA

**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

DKB  
List No.: 1 Sl No.: 9  
Ct.sm