



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 507 OF 2013 (MV-I)

BETWEEN:

SMT. MANORAMA P. RAO
W/O NS PRAKASH
AGED ABOUT 48 YEARS
RAJATHADRI NIVAS
SUNNADA BEEDI
VIRAJPET TOWN AND TALUK
KODAGU DISTRICT.

APPELLANT

(BY SRI. K. SHASHIKUMAR.,ADVOCATE)

AND:

1. S. PRABHUSWAMI
S/O SHIVAMALLAPPA
AGED ABOUT 31 YEARS
NO.176, 4TH MAIN
7TH CROSS, GELEYARA BALAGA
MAHALAKSHMI LAYOUT
BANGALORE-560086.
2. GS MAHADEVA SWAMI
S/O GV SHIVA SWAMI
AGED ABOUT 35 YEARS
NO.2306, 3RD B MAIN
VIJAYANAGAR, 2ND STAGE
HAMPINAGAR,
BANGALORE-560040.
3. ROYAL SUNDARAM
ALLIANCE INSURANCE CO. LTD
BANGALORE.

RESPONDENTS

(BY SRI. RAVI S SAMPRATHI., ADVOCATE FO R3;

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH
COURT OF
KARNATAKA



V/O DTD 19.02.2015 NOTICE TO R1 AND R2 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 15.10.2011 PASSED IN MVC NO.49/2010 ON THE FILE OF THE CIVIL JUDGE(SR.DN), M ACT, VIRAJPET, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC,.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

The above appeal is filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988¹ challenging the judgment and award dated 15.10.2011 passed in MVC.No.49/2010 by the learned Civil Judge (Senior Division) and MACT, Virajpet², wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹1,38,420/- together with interest at 6% per annum from date of petition till realization. Being aggrieved by the same, the present appeal is filed by the claimant seeking for enhancement of compensation.

2. The findings of the Tribunal on negligence and liability are not under challenge and the same has attained

¹ Hereinafter referred to as 'Act of 1988'

² Hereinafter referred to as 'Tribunal'



finality. Hence, the only question that is required to be considered in the present appeal is with regard to the adequacy of the quantum of compensation awarded.

3. The Tribunal while adjudicating upon the quantum of compensation to be awarded held as under:

"10. According to the petitioner, due to the said accident she has spent a sum of Rs.1,50,000/- towards medical expenses. In support of her contention, she has produced 32 medical bills at E.xP.7 and 14 medical prescription at Ex.P.8. By considering the relevant medical bills Rs.70,420/- is awarded towards medical expenses. According to the concerned doctor, the petitioner has sustained fracture of both bones of left leg. By considering the same, Rs.25,000/- is awarded towards pain and agony. According to the concerned doctor, on examination, the petitioner has swelling over left leg tenderness over distal 2/3rd of left leg with painful abnormal mobility at left tibia. Abrasion over left leg. Painful limitation of left ankle joint movements by 10 to 15 degrees, functional disabilities has been assessed up to 10% of left leg and ankle joint. There is no change in her condition. There is an implant. They have to be removed after 2 years. She needs another surgery for removing the implant. She is a housewife and this disability will be a problem for her in her day to day life. By considering the evidence of concerned doctor Rs.20,000/- is awarded towards future medical expenses and Rs.20,000/- is awarded towards loss of future happiness. By considering the treatment taken by the petitioner as inpatient Rs.3,000/- is awarded towards attendant charges, nourishment, food etc. Therefore, the petitioner in all is entitled for 1,38,420/-."

4. It is noticed that, the claimant was aged 47 years as on date of the accident i.e., on 02.01.2010. It is averred that the claimant is a housewife.



5. It is forthcoming from perusal of the wound certificate (Ex.P3), discharge summary (Ex.P4) and disability certificates (Exs.P5/P12), that the claimant has sustained fracture of both bones of the left leg i.e., tibia and fibula. The claimant was an inpatient from 02.01.2010 to 09.01.2010 i.e., for a period of 7 days. The fracture was surgically treated. Although, the disability certificate has been produced, wherein the functional disability has been assessed as 10% to the left leg and ankle joint, no doctor has been examined. The Tribunal has awarded a sum of ₹70,420/- towards medical expenses; ₹25,000/- towards pain and suffering; ₹20,000/- towards future medical expenses; ₹20,000/- towards loss of future happiness; ₹3,000/- towards attendant charges, food and nourishment and accordingly, awarded the total compensation of ₹1,38,420/-.

6. The compensation towards food, nourishment and attendant charges is on the lower side. No compensation is awarded towards loss of amenities. However, compensation has been awarded towards loss of future happiness. Future medical expenses has been awarded without the testimony of the Doctor. No compensation is awarded towards loss of income



during laid up period as well as certain other heads of compensation. Although, the doctor has not been examined, the material on record would clearly indicate that the claimant was treated as an inpatient for a period of 7 days and the injuries sustained were surgically treated.

7. In view of the aforementioned discussion, in the considered opinion of this Court, the interest of justice would be served if a further compensation of ₹30,000/- is awarded together with the interest at 6% per annum in addition to the compensation awarded by the Tribunal, in full and final claim of the appellant in the present appeal.

8. In view of the aforementioned the following:

ORDER

- i) The appeal is ***allowed-in-part***;
- ii) The judgment and award 15.10.2011 passed in MVC.No.49/2010 by the learned Civil Judge (Senior Division) and MACT, Virajpet, is modified to the extent stated herein. In all other respects, the judgment and award of the Tribunal remains unaltered.
- iii) The appellant/claimant is entitled for a further compensation of ₹30,000/- with interest at the rate of 6% p.a., from the date of petition till



date payment (excluding a period of 346 days, having regard to the order dated 16.12.2015 passed in the present appeal) in addition to the compensation awarded by the Tribunal;

- iv) Respondent No.3 - Insurer shall deposit the enhanced compensation awarded together with accrued interest within a period of six weeks;
- v) Upon such deposit, the entire enhanced compensation together with interest accrued thereupon be disbursed digitally to the claimant;
- vi) The amount deposited by the appellant together with records be transmitted to the Tribunal for disbursement in terms of the award of the Tribunal;
- vii) The Registry to draw the modified award accordingly;

No costs.

Sd/-
(C.M. POONACHA)
JUDGE