



CNR: KAHC010139652023

NC: 2026:KHC:39926
MFA No. 1796 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 1796 OF 2023
(MV-I)

BETWEEN:

B.M. PRASANNA KUMAR
S/O MARULASIDDAPPA
AGED ABOUT 55 YEARS
R/AT No.35, I CROSS
MALLASANDRA, T. DASARAHALLI
BANGALORE - 57.

PERMANENT RESIDENT OF
K.BIDARE VILLAGE
SINGATAGERE HOBLI
KADUR TALUK
CHIKKAMAGALUR DISTRICT.

...APPELLANT

(BY SRI SHRIPAD V. SHASTRI, ADVOCATE)

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

AND:

1. ONKARAPPA
S/O PUTTAPPA
R/AT YAGATI POST
KADUR TALUK
CHIKKAMAGALUR DISTRICT.
2. UNITED INDIA INSURANCE CO. LTD.,
MOTOR DEALER DIVISION
KRISHI BHAVAN
6TH FLOOR
HUDSON CIRCLE



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BENGALURU - 560 001.
BY ITS MANAGER.

...RESPONDENTS

(BY SRI. G.S. MARULIAIAH, ADVOCATE FOR R2;
VIDE ORDER DATED 17.03.2023, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 11.08.2022 PASSED IN MVC No.5503/2019 ON THE FILE OF THE II ADDITIONAL JUDGE AND ACMM, COURT OF SMALL CAUSES, MOTOR VEHICLES ACCIDENT CLAIMS TRIBUNAL, BENGALURU, 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 claimant seeking enhancement of compensation awarded in the Judgment and Award dated 11.08.2022 passed in MVC No.5503/2019 by II Additional Judge, Court of Small Causes and MACT, Bengaluru (SCCH-13).

2. Even though the matter is listed today for orders, with the consent of both the learned counsel for



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appellant and learned counsel for respondent No.2/insurer, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 30.06.2019 contending that the accident occurred due to rash and negligent driving by the driver of Tractor and Trailer bearing registration No.KA-18-TA-7290.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of future earnings	Rs. 1,84,800/-
2.	Pain and Sufferings	Rs. 30,000/-
3.	Loss of amenities	Rs. 15,000/-
4.	Conveyance, Food, Nourishment & Attendant charges	Rs. 15,000/-
5.	Loss of income during laid up period	Rs. 28,000/-
	Total	Rs. 2,72,800/-



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5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed respondent No.2/insurer to pay the compensation awarded with interest. The claimant has filed the present appeal seeking enhancement of compensation.

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

7. Learned counsel for the appellant would contend that, the claimant has sustained fracture of both bones of right leg. He is aged about fifty two (52) years and he is an agriculturist. P.W.2 - Doctor has assessed his disability of lower limb at 56% and whole body at 19%. The Tribunal has erred in taking the disability at 10%. The disability is to be taken as stated by the Doctor. Considering the injuries sustained, the compensation awarded towards pain and suffering and loss of amenities are on lower side. Considering the injuries sustained, the



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claimant has to take rest atleast for three (03) months. Therefore, loss of income during laid up period awarded for two (02) months is on lower side. Even though the Doctor has stated that the claimant has to undergo operation for removal of implants, the Tribunal has not awarded anything towards future medical expenses. With these, he prayed to allow the appeal.

8. Learned counsel for respondent No.2/insurer would contend that, the Tribunal considering that the Doctor who assessed the disability is not the treated Doctor and that the disability assessed is with reference to the whole body and not the functional disability, the Tribunal has rightly taken the disability at 10% and the compensation awarded under all heads is just and proper and there are no grounds for enhancement. With these, he prayed for dismissal of the appeal.



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9. Having heard the learned counsel for appellant and learned counsel for respondent No.2/insurer, the Court has perused the Judgment and Award.

10. The accident occurred on 30.06.2019 and at the time of accident, the claimant was aged fifty two (52) years and he was an agriculturalist. The claimant has sustained fracture of both the bones of right leg. P.W.2 - Doctor who examined the claimant and assessed his disability and stated that the claimant has sustained 56% disability to the right lower limb and 19% to the whole body. The Tribunal has taken the disability at 10%. P.W.2 - Doctor has stated that the fractures are mal-united and implants are still there. Considering the said fact, the disability taken by the Tribunal is not proper and disability to be taken to the whole body at 19%. The Tribunal has rightly taken the income at Rs.14,000/- and applied multiplier '11'. In view of the same, loss of future income is calculated as under:



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$$\text{Rs.14,000/-} \times 12 \times 11 \times 19\% = \text{Rs.3,51,120/-}$$

11. Considering that the claimant has sustained two fractures, the compensation awarded towards pain and suffering in a sum of Rs.30,000/- requires to be enhanced to Rs.60,000/- and loss of amenities in a sum of Rs.15,000/- requires to be enhanced to Rs.40,000/-. The claimant has been admitted in hospital for fifteen (15) days and therefore the compensation awarded for conveyance, food, nourishment and attendant charges in a sum of Rs.15,000/- is just and proper.

12. Considering the injuries sustained by the claimant and his occupation as agriculturalist, he has to take rest atleast for three (03) months and therefore he is entitled to loss of income during laid up period for three (03) months in a sum of Rs.42,000/- (Rs.14,000/- X 3) as against Rs.28,000/- awarded by the Tribunal. P.W.2 - Doctor has stated that there are implants and for removal of the same, the claimant has to undergo surgery and the



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estimated cost is Rs.35,000/-. The Tribunal has not awarded anything towards future medical expenses. Considering the said evidence of Doctor, the claimant is entitled to future medical expenses in a sum of Rs.30,000/-.

13. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of future earnings	Rs. 3,51,120/-
2.	Pain and Sufferings	Rs. 60,000/-
3.	Loss of amenities	Rs. 40,000/-
4.	Conveyance, Food, Nourishment & Attendant charges	Rs. 15,000/-
5.	Loss of income during laid up period	Rs. 42,000/-
6.	Future medical expenses	Rs. 30,000/-
	Total	Rs. 5,38,120/-

14. The claimant is entitled to total compensation of Rs.5,38,120/- as against Rs.2,72,800/- awarded by the Tribunal with interest at the rate of 6% per annum from the date of petition till realisation.



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15. Consequently, the claimant is entitled to enhanced compensation of Rs.2,65,320/- (Rs.5,38,120/- - Rs.2,72,800/-) with interest at the rate of 6% per annum from the date of petition till realisation.

16. Respondent No.2/insurer is liable to pay enhanced compensation amount with interest.

17. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.2,65,320/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *Respondent No.2/insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*



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*iv) The claimant is entitled to release of entire
enhanced compensation with interest.*

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

KLV
List No.: 1 Sl No.: 25