



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO. 9175 OF 2017 (MV-I)

BETWEEN:

SRI.VENKATARAVANAPPA
S/O LATE MUNIVENKATAPPA
AGED ABOUT 61 YEARS,
R/AT DASARAHALLI VILLAGE,
SHIDLAGHATTA TALUK
CHICKBALLAPURA DISTRICT.

...APPELLANT

(BY SRI. M SREENIVASA., ADVOCATE)

AND:

1. THE ORIENTAL INSURANCE COMPANY LTD.,
NO.2023, HIG II PHASE,
YELAHANKA NEW TOWN,
BANGALORE 560 064
POLICY NO.421590/31/2015/8562.
2. SRI. RAJU
S/O POSALAPPA
MAJOR
R/AT PAPAMMA LAYOUT,
MARUTHI NAGAR, YELAHANKA,
BANGALORE - 560 064.
3. SRI. K.N. AMBARISHA
S/O SRI. NARAYANAPPA
MAJOR,
R/AT NO.41/1,

Digitally
signed by
NIRMALA
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Location:
HIGH COURT
OF
KARNATAKA



SAGARIKA NILAYA,
POOJAMAHALAKSHMI LAYOUT,
BANGALORE - 560 064.

...RESPONDENTS

(BY SRI.S.Y.SHIRALLI, ADVOCATE FOR R1;
SRI.K.R.VENKATARAMANA ADVOCATE FOR R2;
SRI. S.MURTHY, ADVOCATE FOR R3;)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 15/07/2017, PASSED IN MVC NO.7184/2016, ON THE FILE OF THE XXI ADDITIONAL SMALL CAUSES JUDGE AND XIX ACMM., MEMBER, MACT, (SCCH-23), BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

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

ORAL JUDGMENT

The present appeal is filed by the claimant calling in question the judgment and award dated 15.07.2017 passed by the XXI Additional Small Causes Judge and XIX ACMM, Member, MACT (SCCH-23), Bengaluru,¹ in MVC No.7184/2016,

¹ hereinafter referred to as 'Tribunal'



whereunder the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹1,74,571/- together with interest at 6% pa.

2. The findings of the Tribunal on negligence and liability are not under challenge. The only question that arises for consideration in the present appeal is the adequacy of the quantum of compensation.

3. It is forthcoming that the claimant was aged 61 years as on the date of the accident i.e., as on 14.2.2016. Accordingly the appropriate multiplier is 7. The claimant was stated to be an agriculturist. However, no documents have been produced to demonstrate his income. The Tribunal has assessed his income at ₹7,000/- p.m. Having regard to the date of the accident, the notional income of the claimant is reassessed as ₹9,500/- p.m.

4. The wound certificate (Ex.P6), the discharge summary (Exs.P8, 9 and 14) and the testimony of the doctor (PW.3) disclose that the claimant sustained injury to the left hip, as a result of which he sustained left intertrochanteric fracture with



subtrochanteric extension (body and Griffith Type 4). He was admitted as an inpatient for a total period of 12 days from 14.02.2016 to 25.02.2016. The fracture was surgically treated. The Tribunal has assessed the whole body disability of the claimant at 7.92% in terms of the assessment made by the doctor (PW.3).

5. Keeping in mind the aforementioned, the compensation is reassessed as follows:

- i. Having regard to the nature of injuries sustained and the period of treatment, the compensation towards pain and suffering is reassessed as ₹50,000/- as against ₹40,000/- awarded by the Tribunal;
- ii. The compensation awarded by the Tribunal towards medical expenses at ₹63,001/- and conveyance, nourishment and nutritious food at ₹10,000/- is just and proper;
- iii. Having regard to the nature of injuries, the period of treatment and resultant disability, loss of amenities is reassessed as ₹25,000/- as against ₹15,000/- awarded by the Tribunal;



- iv. Loss of future earning capacity is reassessed as
(₹9,500/-x12x7x7.92%) ₹63,202/- as against ₹46,570/-
awarded by the Tribunal;
- v. The Tribunal has not awarded any compensation
towards future medical expenses despite the doctor
(PW.3) having deposed that the claimant will be
required to incur about ₹75,000/- towards future
medical expenses. However, since no documents are
produced and there is no other material on record
regarding the same, it is just and proper that a sum of
₹20,000/- be awarded towards future medical expenses;
- vi. The Tribunal has not awarded any amount towards
loss of income during laid-up period. Having regard to
the nature of injuries sustained and the period during
which he was treated as inpatient, the laid up period is
assessed as three months and accordingly, a sum of
(₹9,500/-x3) ₹28,500/- is awarded for the same.

6. Accordingly, the total compensation under various
heads is reassessed as follows:



Sl.No.	Heads	Amount awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1.	Pain and suffering including mental agony	40000.00	50000.00
2.	Loss of future earnings	46570.00	63202.00
3.	Medical expenses	63001.00	63001.00
4.	Loss of conveyance, nourishment and nutritious food	10000.00	10000.00
5.	Loss of amenities of life	15000.00	25000.00
6.	Future medical expenses	0.00	20000.00
7.	Loss of income during laid up period	0.00	28500.00
	Total	174571.00	259703.00

7. Hence, the claimant is entitled for enhanced compensation of (₹2,59,703/- – ₹1,74,571/-) ₹85,132/-.

8. Taking judicial notice of the interest awarded towards Fixed Deposits, it is just and proper to award interest on the enhanced compensation at 7% p.a.

9. In view of the aforementioned, the following:

ORDER

- i) The appeal is allowed in part;



- ii) The judgment and award dated 15.07.2017 passed by the XXI Additional Small Causes Judge and XIX ACMM, Member, MACT (SCCH-23), Bengaluru, in MVC No.7184/2016, is modified to the extent stated herein. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) The claimant is entitled to enhanced compensation of ₹85,132/- with interest at 7% per annum from the date of petition till its realization, in addition to the compensation awarded by the Tribunal;
- iv) Respondent No.1 - Insurance Company shall deposit the said compensation together with accrued interest within a period of six weeks;
- v) After deposit, the entire enhanced compensation with accrued interest shall be disbursed to the claimant digitally after proper identification;
- vi) The Registry to draw the modified award accordingly;
- vii) Records be transmitted to the Tribunal forthwith;
- viii) No costs.

Sd/-
(C.M. POONACHA)
JUDGE