



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.4643 OF 2019(MV-I)

BETWEEN:

SMT. SHARADA
W/O. PARAMESH,
AGED ABOUT 42 YEARS,
R/AT GUNDURAO BADAVANE,
SHANIVARSANTHE CITY,
SOMWARPETE TALUK
KODAGU DISTRICT-571235

...APPELLANT

(BY SRI. SANCHAN JAINANDAN, ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

1. SRIKANTH PATIL B. P.,
S/O PREM KUMAR B. B.
AGED ABOUT 25 YEARS,
BYAGADAHALLI VILLAGE,
VANAGURU POST,
HETTUR HOBLI,
SAKALESH PURA TALUK
HASSAN DISTRICT-573134.
2. BRANCH MANAGER
NATIONAL INSURANCE CO.LTD.,
HASSAN DIVISION,
SRI. MANJUNATHESHWARA COMPLEX,



BUS STAND ROAD,
HASSAN-573201

...RESPONDENTS

(BY SRI.JANARDHAN REDDY, ADVOCATE FOR R2;

V/O. DATED 12.02.2024, R1 SERVICE OF NOTICE IS
DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 21.01.2019 PASSED IN MVC
NO.28/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE,
ADDITIONAL MACT, SOMAWARAPETE, 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 DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri.Sanchan Jayanandan, learned counsel for
the appellant as well as Sri.Janardhan Reddy who
represents respondent No.2.

2. Projecting that she is entitled to a higher sum
as compensation, the claimant in MVC No.28/2017, which
stood pending before the Additional Motor Accident Claims



Tribunal, Somawarapete and was disposed of through order dated 21.01.2019 preferred this appeal.

3. Learned counsel who appears for the appellant submits that appellant claimed compensation of Rs.15,00,000/- in total. The Tribunal held that she is entitled to a sum of Rs.3,37,872/- only. Learned counsel states that the appellant was hale and healthy as on the date of accident and was assisting her husband in agricultural works. She was also doing milk vending business and thereby she was earning Rs.15,000/- per month. That apart she was attending all household chores. Appellant sustained fracture of both bones of left leg i.e. tibia and fibula and thereby she became permanently and completely disabled to do anything. Appellant produced the evidence of Pw.2 to establish the nature of injuries sustained, the treatment taken, the surgery conducted, the aspect of disability and the amount which appellant has to spend in future for treatment. But without considering the evidence produced, Tribunal awarded



meagre sum as compensation. Learned counsel states that the accident occurred in the year 2016 and for the relevant period, for settlement of claims, Karnataka State Legal Services Authority is taking the notional income as Rs.9,500/- per month. But Tribunal took the income of the appellant as Rs.5,000/- per month only. Learned counsel thereby seeks for grant of the sum claimed.

4. On the other hand, learned counsel for respondent No.2 submits that the evidence of Pw.2 cannot be believed. Appellant neither produced the disability certificate nor any documentary proof to show that she suffers with such disability as spoken by Pw.2. Learned counsel also states that the compensation granted by the Tribunal is just and reasonable.

5. No doubt Pw.2 gave evidence to that effect that the appellant suffers with 38% disability in respect of left leg and 18% to the whole body. But on what basis he projected such figure during the course of evidence is not



mentioned anywhere. There are no documents to show that Pw.2 noted his findings in respect of disability when he examined the appellant and basing on such notings he deposed before the Court. Pw.2 might have seen number of patients from the date he observed the appellant and assessed the disability till the date of giving evidence. Therefore, it has to be shown to the Court that he has noted his findings atleast in a piece of paper and basing on that material he deposes about the percentage of disability. Therefore, the evidence of Pw.2 cannot be considered for the assessment of percentage of disability. However, fact remains is that the appellant has to eek out her entire life with difficulty due to the grievous injury sustained to the vital part of the body. Appellant will not be in a position to attend her agricultural activities or the milk vending business or the household activities with the same strength and vigour with which she was working prior to the date of accident. Tribunal at paragraph No.33 of the impugned order made an observation that the



appellant took treatment as inpatient for 10 days and thus laid up period is considered as 2 months. But Tribunal awarded a sum of Rs.10,000/- only towards loss of earnings during laid up period. The amount awarded thus is grossly low. The Tribunal which failed to consider the evidence of Pw.2 has not awarded any compensation towards loss of future earnings. Even though the evidence of Pw.2 is not acceptable in respect of percentage of disability, it cannot be held that the appellant does not suffer with any disability at all. Thus taking into consideration the totality of facts and circumstances of the case, this Court is of the view that in case globally a sum of Rs.1,50,000/- is fixed with an order to respondent No.2 against whom liability vests to pay the same to the appellant, the total amount which the appellant receives will be justifiable. Therefore, this Court considers desirable to award a sum of Rs.1,50,000/- in addition to the sum that is awarded by the Tribunal as compensation.



6. Therefore, the appeal is disposed of with the following:

ORDER

- (i) The appeal is *allowed in part*.
- (ii) The compensation that is granted by the Additional Motor Accident Claims Tribunal, Somawarapete through orders in MVC No.28/2017 dated 21.01.2019 is enhanced by Rs.1,50,000/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% p.a. 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(eight) 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