



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.7899 OF 2018(MV-I)

BETWEEN:

SMT. PARVATHAMMA,
W/O LATE THAMMANNAGOWDA,
AGED ABOUT 58 YEARS,
R/AT BUKA VILLAGE,
HIRISAVE HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DIST - 573 116.

...APPELLANT

(BY SRI. CHETHAN B., ADVOCATE)

AND:

1. SRI. H.A. HARISH,
S/O H.R. ANANTHARAMAIAH
MAJOR
R/AT BRAHMIN STREET,
HIRISAVE VILLAGE AND HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 116.

2. THE ORIENTAL INSURANCE CO., LTD.,
JAYADEVA HOSTEL BUILDING,
TIPTUR - 572 201.
TUMKUR DISTRICT
REPRESENTED BY
DIVISIONAL MANAGER,



DIVISIONAL OFFICE,
S.S. COMPLEX,
SUBHASH CIRCLE
HASSAN – 573 201.

...RESPONDENTS

(BY SRI. K. POORNABODHA RAO, ADVOCATE FOR R2)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,1989, AGAINST THE JUDGMENT AND AWARD DATED:09.03.2016 PASSED IN MVC NO.212/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, CHANNARAYAPATNA, 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 T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation, arising out of the judgment and award dated 09.03.2016 in MVC.No.212/2014 passed by Senior Civil Judge and Motor Vehicle Accident Claims Tribunal, at Channarayapatna¹ .

¹ "Tribunal for short"



2. The Tribunal by means of impugned award granted a total compensation of Rs.1,35,000/- with interest at 6% per annum.

3. The date of accident, involvement of the vehicle and the injury suffered and liability to pay the compensation are not in dispute. The only dispute is in respect to quantum of compensation.

4. The parties are referred to as per their ranking before the Tribunal.

5. Heard Sri.Chethan.B, learned counsel appearing for appellant-claimant and Sri.K.Poornabhodha Rao, learned counsel appearing on behalf of respondent No.2- Insurer. Vide order dated 08.12.2022, notice to respondent No.1 is dispensed with.

6. The claimant has suffered fracture of left hand. As per the Doctor, the disability is at 15% to the particular limb. The petitioner was an agriculturist and also home maker. The only argument of learned counsel for appellant



Sri. Chethan is that, the Tribunal has failed to consider the disability at least at 50% of 15% stated by the Doctor, further, the compensation awarded under all the heads, except the medical expenses requires reconsideration.

7. Though Sri.Poornabhodha Rao, argued against the contentions of learned counsel for appellant, however, he is not in serious dispute with regard to the fracture sustained and disability suffered. Further, he submits that there was delay of 815 days in preferring the appeal and this Court at the time of allowing the application has stated that claimant would not be entitled for any interest for the delayed period.

8. Having considered the rival submissions, this Court is of the opinion that, considering the avocation of the claimant as an agriculturist and a home maker, the disability ought to have been considered at least 50% of 15% assessed by the Doctor, to the whole body. Further, the Tribunal has not considered the case of the claimant



for awarding any compensation under the head loss of income during the laid up period. So far as other compensation awarded under various heads, when compared to the injury suffered are inadequate/on lower side, which requires reconsideration. The total medical bills comes to Rs.37,607/-, and the compensation awarded by the Tribunal under the head medical, conveyance, nourishment expenses is Rs.45,000/-. If the same is enhanced to Rs.60,000/-, it would meet the ends of justice. Accordingly, this Court proceeds to reassess the compensation which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	20,000-00	40,000-00
2.	Medial, Conveyance and nourishment expenses	45,000-00	60,000-00
3.	Disability	40,000-00	84,480-00 [8,000x12x11x8%]
4.	Future medical expenses	10,000-00	30,000-00
5.	Loss of amenities and enjoyment of life	10,000-00	50,000-00
6.	Loss of income during laid up period	-	32,000-00 [8,000x4]
	TOTAL	1,35,000-00	2,96,480-00



9. Accordingly, the claimant is entitled for reassessed compensation of Rs.**2,96,480/-** as against Rs.1,35,000/- awarded by the Tribunal. The enhanced compensation comes to Rs.1,61,480/0 rounded off to Rs.**1,62,000/-** which shall carry interest at the rate of 6% per annum, except the interest on delayed period of 815 days stated supra.

10. For the foregoing reasons, this Court proceed to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award is modified dated 09.03.2016 in MVC.No.212/2014 passed by the Tribunal, is modified and enhanced to Rs.**1,62,000/-** with interest at 6% per annum from the date of petition till



realization, except the interest for the delayed period of 815 days.

- (iii) Respondent No.2-Insurer shall deposit the entire enhanced compensation, with afore stated interest, except for the delayed period of 815 days before the concerned Tribunal within six weeks from the date of receipt of the copy of this order.
- (iv) Upon deposit the entire amount shall be released in favour of the claimant on proper identification
- (v) The Registry shall return the record forthwith to the concerned Tribunal.

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 1 SI No.: 11
ct-vn