



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.2669 OF 2021 (MV-I)

BETWEEN:

GOVINDE GOWDA
S/O LATE VENKATE GOWDA @ VENKATAPPA,
AGED ABOUT 52 YEARS,
R/AT KRISHNAYYANADODDI,
MARULEBEKUPPE POST,
KANAKAPURA TALUK,
RAMANAGARA DIST.

...APPELLANT

(BY SRI. SHRIPAD V. SHASTRI, ADVOCATE)

AND:

1. KANTHARAJU K B
S/O BAIREGOWDA,
R/AT NO. 26, CHUNCHAGHATTA, MAIN ROAD,
BEERESHWARA NAGAR, BANGALORE - 62.

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



2. LIBERTY VIDEOCON GENERAL INSURANCE
COMPANY LTD. OFFICE NO 1, ALYSSA,
I FLOOR, REAR PORTION, NO. 23, (OLD 28)
RICHMOND ROAD, BENGALURU - 25.

...RESPONDENTS

(BY SRI. MALLIKARJUN REDDY N.A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 28.05.2024, NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED. 15.10.2019, PASSED IN MVC
NO.1746/2018, ON THE FILE OF THE XI-ADDITIONAL SMALL
CAUSES JUDGE AND XXXIV ACMM., COURT OF SMALL CAUSES,
MEMBER, MACT-12, 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 DR. JUSTICE CHILLAKUR SUMALATHA



ORAL JUDGMENT

Heard Sri. Shripad V. Shastri, learned counsel for the appellant who appears through video conference. Also heard Sri. Mallikarjun Reddy who appears physically before this Court and represents Sri. B. Pradeep, learned counsel on record for respondent No. 2.

2. Being aggrieved by the sum that is awarded as compensation, the claimant in M.V.C.No.1746/2018 that stood pending before the Additional Motor Accident Claims Tribunal, Bangalore and was disposed of through order dated 15.10.2019 is before this Court seeking enhancement in compensation.

3. Learned counsel for appellant submits that appellant sustained grievous injury in a road traffic accident that occurred in the year 2018. The appellant as an agriculturist and businessman, was earning Rs.25,000/- per month. However, the Tribunal took the notional income of the appellant as Rs.9,000/- per month. Learned



counsel states that the accident occurred in the year 2018 and for the relevant period even the Karnataka State Legal Services Authority is taking notional income as Rs.12,500/- per month for settlement of claims and hence said figure might have been adopted by the Tribunal at least. Learned counsel also contends that appellant underwent a surgery and took extensive treatment but he is left with disability. The Tribunal granted very meager sum as compensation under all heads and therefore, the compensation granted is required to be enhanced.

4. On the other hand, learned counsel for respondent No.2 submits that respondent No.2 made a proposal for settlement with marginal enhancement in compensation however the appellant declined. Learned counsel further contends that the impugned order is valid in all aspects.

5. Admittedly, appellant failed to produce any substantive proof with regard to his occupation and



earnings as on the date of accident. However, considering the submission that is made by the counsel for the appellant, this Court considers desirable to take the notional income of the appellant as Rs.12,500/-. Thus on taking the notional income of the appellant as Rs.12,500/- per month and without disturbing other parameters i.e., the disability in respect of whole body as 10% and the appropriate multiplier to be applied as '11', the compensation which the appellant is entitled to receive towards 'loss of future earnings' is Rs.1,65,000/- (Rs.12,500 x 12 x 11 x 10%). The Tribunal granted a sum of Rs.1,18,800/- only under the head 'loss of future earnings'. Thus the enhancement under the said head will be Rs.46,200/- (Rs.1,65,000 - Rs.1,18,800)

6. There is no denial of the fact that the appellant sustained comminuted fracture distal radius lower 1/3rd of right hand and he underwent open reduction and internal fixation of the fracture with plate and screws. Having considered the nature of injury sustained and the surgery



underwent, this Court is of the view that the appellant could not have attended his normal pursuits at least for a period of 3 months. Thus 'loss of earnings during laid up period' comes to Rs.37,500/- (Rs.12,500 x 3). But the Tribunal granted a sum of Rs.18,000/- only towards 'loss of income during laid up period'. Thus the enhancement will be Rs.19,500/- (Rs.37,500 - Rs.18,000).

7. Admittedly, appellant incurred a sum of Rs.50,686/- for his treatment. The Tribunal granted a sum of Rs.55,000/- towards 'medical conveyance, nutrition and attendant charges'. Thus less than Rs.5,000/- is granted for 'conveyance, nutrition and attendant charges'. Said sum is grossly low. Therefore, this Court is of the view that the appellant is entitled to an additional sum of Rs.10,000/- for the 'conveyance, nutrition and attendant charges'. The compensation granted under all other heads is reasonable. Therefore, the total sum which the appellant is entitled to receive in addition to the sum that is awarded by the Tribunal is Rs.75,700/- (Rs.46,200 + Rs.19,500 +



Rs.10,000). 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, Bangalore through orders in M.V.C.No.1746/2018 dated 15.10.2019 is enhanced by Rs.75,700/-.
- iii) The enhanced sum shall carry interest at the rate of 6% per annum 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 weeks from the date of receipt of certified copy of the judgment.
- v) On such deposit, appellant is permitted to withdraw the entire amount.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

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List No.: 1 Sl No.: 58