



CNR: KAHC010243922025

NC: 2026:KHC:53868  
MFA No. 2684 of 2025  
C/W MFA No. 2575 of 2024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**MISCELLANEOUS FIRST APPEAL NO. 2684 OF 2025**  
**(MV-I)**

**C/W**

**MISCELLANEOUS FIRST APPEAL NO. 2575 OF 2024**  
**(MV-I)**

**IN MFA No. 2684/2025**

**BETWEEN:**

SMT. CHINMAYEE G.T.  
W/O. VEERABHADRASWAMY R.,  
AGED ABOUT 25 YEARS,  
R/AT. NO. HULIKAL VILLAGE, KADUR HOBLI,  
MAGADI TALUK,  
RAMANAGARA DISTRICT.

NOW RESIDING AT:  
MARUTHI NAGAR, SHETTIHALLI MAIN ROAD,  
TUMAKURU CITY.

...APPELLANT

(BY SRI. SATHISHA T., ADVOCATE)

**AND:**

1. SRI. G.B. NATARAJU  
5/O. LATE G.H. BASAVARAJAPPA,  
AGED ABOUT 61 YEARS,  
R/O. INFRONT OF COURT COMPLEX,  
B.H. ROAD, GUBBI TOWN,

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SHIVASHANKAR BASAPPA  
AMARANNAVAR  
JUDGE, HIGH COURT OF KARNATAKA





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GUBBI TALUK,  
TUMAKURU DISTRICT.

2. THE MANAGER  
NEW INDIA ASSURANCE COMPANY LTD.,  
BRANCH OFFICE, 1ST FLOOR,  
OPP: RAMAMANDIR, G.K. ROAD,  
K.R. EXTENSION, TUMAKURU.

NOW REPRESENTED BY:  
THE REGIONAL MANAGER,  
NEW INDIA ASSURANCE COMAPNY LTD.,  
REGIONAL OFFICE, NO-9, 2ND FLOOR,  
MAHALAKSHMI CHEMBAR,  
2ND FLOOR, M.G. ROAD,  
BENGALURU - 560 001.

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R2;  
VIDE ORDER DATED 14.10.2025, NOTICE TO R1  
IS DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE  
JUDGMENT AND AWARD DATED 23.08.2023 PASSED IN MVC  
NO.365/2021 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL  
JUDGE AND CJM, MACT-XI, TUMAKURU, PARTLY ALLOWING  
THE CLAIM PETITION FOR COMPENSATION AND SEEKING  
ENHANCEMENT OF COMPENSATION.

**IN MFA NO. 2575/2024**

**BETWEEN:**

M/S. NEW INDIA ASSURANCE COMPANY LTD.  
BRANCH OFFICE, 1ST FLOOR,  
OPP: RAMAMANDIR,  
G.K. ROAD,

Digitally Signed By:  
SHIVASHANKAR BASAPPA  
AMARANNAVAR  
JUDGE, HIGH COURT OF KARNARAKA



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K.R. EXTENSION,  
TUMAKURU,

REPRESENTED BY REGIONAL OFFICE,  
THIRD PARTY CLAIMS HUB,  
MAHALAKSHMI CHAMBERS, II FLOOR,  
NO.9, M.G. ROAD,  
BANGALORE - 560 001,  
REPRESENTED BY N.L. SAI SUDHA,  
ADMINISTRATIVE OFFICER.

...APPELLANT

(BY SMT. GEETHA R., ADVOCATE)

**AND:**

1. SMT. CHINMAYEE G.T.  
W/O. VEERABHADRASWAMY R.,  
AGED ABOUT 24 YEARS,  
RESIDENT OF HULIKAL VILLAGE, KADUR HOBLI,  
MAGADI TALUK,  
RAMANAGARA DISTRICT

NOW RESIDING AT:  
MARUTHI NAGAR, SHETTIHALLI MAIN ROAD,  
TUMAKURU CITY.

2. MR. G.B. NATARAJU  
S/O LATE G.H. BASAVARAJAPPA,  
AGED ABOUT 59 YEARS,  
RESIDENT OF INFRONT OF COURT COMPLEX,  
B.H. ROAD, GUBBI TOWN,  
GUBBI TALUK,  
TUMAKURU DISTRICT.

...RESPONDENTS

(BY SRI. SATHISHA T., ADVOCATE FOR R1;  
NOTICE TO R2 IS SERVED AND UNREPRESENTED)

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AMARANNAVAR  
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THIS MFA FILED U/S.173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 23.08.2023 PASSED IN MVC NO. 365/2021 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MACT-XI, TUMAKURU, AWARDING COMPENSATION OF RS.17,37,000/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

THESE APPEALS COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

### **ORAL JUDGMENT**

Miscellaneous First Appeal No.2684/2025 is filed by the claimant seeking enhancement of the compensation and Miscellaneous First Appeal No.2575/2024 is filed by the insurer challenging the quantum of compensation awarded in the Judgment and Award dated 23.08.2023 passed in MVC No.365/2021 by Additional Senior Civil Judge and CJM and MACT-XI, Tumakuru.

2. The claimant made a claim petition seeking award of compensation for the injury sustained by her in a

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road traffic accident occurred on 17.11.2020 contending that the accident occurred due to rash and negligent driving of the driver of Tipper Lorry bearing registration No.KA-03-C-3645.

3. 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.      | Pain and sufferings                                              | Rs. 1,00,000/-                                                 |
| 2.      | Attendant charges, extra nutritious food and conveyance expenses | Rs. 30,000/-                                                   |
| 3.      | Los of income during laid up period                              | Rs. 43,500/-                                                   |
| 4.      | Medical expenses                                                 | Rs. 4,36,400/-                                                 |
| 5.      | Loss of future income due to permanent disability                | Rs. 10,52,000/-                                                |
| 6.      | Loss of future amenities and happiness                           | Rs. 25,000/-                                                   |
| 7.      | Future medical expenses                                          | Rs. 50,000/-                                                   |
|         | <b>Total</b>                                                     | <b>Rs. 17,36,900/-<br/>(Rounded off to<br/>Rs.17,37,000/-)</b> |

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4. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed the insurer to pay the compensation awarded. The insurer has filed the appeal challenging the quantum of compensation awarded and the claimant has filed the appeal seeking enhancement of compensation awarded by the Tribunal.

5. Heard the learned counsel for claimant and learned counsel for insurer.

6. Learned counsel for the insurer would contend that, the Disability taken by the Tribunal at 24% to the whole body is on higher side. There is only one fracture and the claimant's avocation is Fashion Designer and the disability has not affected her avocation to the extent of 24%. She placed reliance on the decision of Hon'ble Apex Court in the case of ***T.J. PARAMESHWARAPPA AND OTHERS vs. BRANCH MANAGER, NEW INDIA ASSURANCE COMPANY LIMITED AND OTHERS***

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reported in **(2022) 17 SCC 51** wherein the disability assessed by the Doctor at 54% is reduced to 30%.

7. She further submits that the claimant is not entitled to future prospects as assessed by the Tribunal at 40%. The compensation awarded on all heads is on higher side. She also submits that, the Doctor has stated that there is a four (04) cms. shortening of the leg and the clinical notes does not contain any measurement taken by the Doctor. With these, she prayed to allow the appeal filed by the insurer.

8. Learned counsel for the claimant would contend that, the disability taken by the Tribunal is based on the evidence of Doctor and the said Doctor is a treated Doctor. As the disability taken is more than 20%, the Tribunal has rightly added 40% towards future prospects. There is no denial of shorting of leg as stated by the Doctor in his evidence in the cross-examination. Considering the injuries sustained, the compensation awarded towards

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pain and suffering, loss of amenities and loss of income during laid-up period are on the lower side. With these, he prayed to allow the appeal filed by the claimant.

9. Having heard the learned counsel for claimant and learned counsel for insurer, the Court has perused the impugned Judgment, Award and Trial Court records.

10. The accident occurred on 17.11.2020 and as on the date of accident, the claimant was aged twenty one (21) years. Considering the said age of the claimant, the Tribunal has rightly applied multiplier '18'. Considering the year of the accident, the Tribunal has rightly taken the notional income at Rs.14,500/-. The claimant is stated to be a Fashion Designer having completed her course on fashion designing and also doing Tailoring work. The claimant has sustained following injuries:

- a) Deep lacerated wound noted in right thigh above the knee joint, with a bone fragment noted in the wound with tenderness and restriction of movement.

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- b) Type III compound comminuted SC fracture right forearm with loss of fragment, 2 pieces of bone found outside.

11. Considering the said injuries, the compensation awarded towards pain and suffering in a sum of Rs.1,00,000/- is just and proper and the compensation awarded towards loss of amenities in a sum of Rs.25,000/- requires to be enhanced and it is enhanced to Rs.75,000/-. Considering the said injuries, the Tribunal has rightly awarded loss of income during laid up period for three (03) months. The Tribunal based on the documents has rightly awarded medical expenses of Rs.4,36,400/-.

12. P.W.2 - Doctor has treated the claimant and stated that the claimant has sustained 72% disability to the limb and 24% to the whole body and Tribunal has taken the disability to the whole body at 24% based on the evidence of Doctor.

13. Learned counsel for the insurer would contend that in the clinical notes of the Doctor has not mentioned



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regarding he taking measurements of both the legs for considering whether there is a shortening of leg. P.W.2 - Doctor in his evidence has specifically stated that there is a shortening of leg by four (04) cms. and the same is also mentioned in the clinical notes i.e., Ex.P16. The said evidence of the Doctor with regard to shortening of leg by four (04) cms. has not been denied in the cross-examination. Therefore, the said evidence of the Doctor remained unchallenged with regard to shortening of leg by four (04) cms. Considering the said evidence of the Doctor, the Tribunal has rightly taken the disability at 24% to the whole body. Since the disability taken is more than 20%, the Tribunal has rightly added future prospects at 40% and rightly awarded loss of future income due to disability.

14. The Tribunal has awarded Rs.50,000/- towards future medical expenses for removal of the implants. P.W.2 - Doctor has stated that the claimant needs removal of implant and limb lengthening procedure and estimated

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cost of the same is Rs.3,00,000/-. Even though there is evidence in that regard, the Tribunal has not awarded the future medical expenses for limb lengthening procedure. Considering the said evidence, the claimant is entitled to a sum of Rs.3,00,000/- towards limb lengthening procedure including removal of implants as against Rs.50,000/- awarded by the Tribunal.

15. Considering all the above aspects, the claimant is entitled to enhanced compensation under the following heads:

| Sl. No. | Particulars             | Amount                |
|---------|-------------------------|-----------------------|
| 1.      | Loss of amenities       | Rs. 50,000/-          |
| 2.      | Future medical expenses | Rs. 2,50,000/-        |
|         | <b>Total</b>            | <b>Rs. 3,00,000/-</b> |

16. The claimant is entitled to enhanced compensation of Rs.3,00,000/- and entitled to interest at the rate of 6% per annum from the date of petition till realisation on Rs.50,000/- enhanced towards loss of amenities.

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17. The claimant is not entitled to interest on enhanced future medical expenses of Rs.2,50,000/-.

18. The insurer is liable to pay the said enhanced compensation with interest.

19. The claimant is not entitled to interest for delay period of 502 days in filing the appeal as per order dated 14.10.2025 passed on I.A.No.1/2025.

20. In view of the above, the following:

**ORDER**

- i) *Miscellaneous First Appeal No.2684/2025 filed by the claimant is **allowed-in-part**.*
- ii) *Miscellaneous First Appeal No.2575/2024 filed by the insurer is **dismissed**.*
- iii) *The claimant is entitled to enhanced compensation of Rs.3,00,000/- and entitled to interest at the rate of 6% per annum from the date of petition till realisation of Rs.50,000/-.*

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- iv) *The claimant is not entitled to interest on enhanced future medical expenses of Rs.2,50,000/-.*
- v) *The insurer shall deposit the enhanced compensation amount with interest before the Tribunal within a period of six weeks from this day.*
- vi) *The claimant is entitled to release of entire enhanced compensation amount.*
- vii) *The claimant is not entitled to interest for delay period of 502 days in filing the appeal.*
- viii) *The amount in deposit is ordered to be transmitted to the Tribunal.*

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JUDGE, HIGH COURT OF KARNARAKA

**(SHIVASHANKAR AMARANNAVAR)**  
**JUDGE**

KLV  
List No.: 1 Sl No.: 36