



CNR: KAHC010240702024

NC: 2026:KHC:45127
MFA No. 2652 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.2652 OF 2024(MV-I)

BETWEEN:

SRINIVASA T.,
S/O THIMMAIAH @ THIMMANNA,
NOW AGED ABOUT 55 YEARS,
R/AT PITLALI VILLAGE,
HIRIYUR TALUK,
CHITRADURGA DISTRICT.

...APPELLANT

(BY SRI. RANGE Gowda N R., ADVOCATE)

AND:

1. NARASHIMA RAJU S.,
S/O SHIVANNA,
NOW AGED ABOUT 40 YEARS,
R/O MARY ROAD,
NEAR COIR MILL ROAD,
HARICHANDRAGAT,
HIRIYUR TALUK,
CHITRADURGA DISTRICT - 577 599.
2. VENKATESH C.,
S/O CHANDRAPPA,
NOW AGED ABOUT 50 YEARS,
R/O VASANTHA NAGARA VILLAGE,
HIRIYUR TALUK,
CHITRADURGA DISTRICT - 577 599.



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3. THE AUTHORIZED MANAGER,
IFFCO TOKIO GENERAL
INSURANCE COMPANY LTD.,
CUSTOMER SERVICE CENTER,
SRI. SHAKTHI TOWERS, 5TH FLOOR,
NO 141, 3RD MAIN, EAST OFF,
NGEF LAYOUT,
KASTURI NAGAR,
BANGALORE - 560 043.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R3,
VIDE ORDER DATED 10.08.2026 NOTICE TO R2 AND R2
ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:28.11.2023
PASSED IN MVC NO.757/2019 ON THE FILE OF THE SENIOR
CIVIL JUDGE AND JMFC AND ADDITIONAL MACT, HIRIYUR,
CHITRADURGA, 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 Judgment and Award dated



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28.11.2023 in MVC No.757/2019, passed by the Senior Civil Judge and Addl. MACT, Hiriya, Chitradurga¹.

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

3. Facts germane to file the present appeal are as under:

1.1 In an accident occurred on 13.02.2019, the claimant aged 51 years at the time of accident, an agriculturist by profession, jointly holding 05 Acres of dry lands, suffered multiple fractures viz., Type II open femur shaft fracture right, Type III B-open proximal right tibia fracture and Closed right IV Metacarpal and 4th Proximal phalanx fracture. The Doctor who has been examined has stated that the claimant has suffered 80% permanent physical disability to the right limb and 26.67% disability to right lower and upper limb.

¹ The Tribunal, for short



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2.2 The Tribunal upon appreciation of medical evidence, considered the disability to the whole body at 30% and taking income at Rs.10,500/-, awarded total compensation of Rs.8,99,300/- along with interest @ 6% per annum from the date of petition till realization. It is this Judgment and Award passed by the Tribunal, is called in question in this appeal.

4. Heard, Sri.Rangegowda.N.R, learned counsel appearing for the appellant and Sri.B.Pradeep, learned counsel appearing for respondent No.3 Insurer. Vide order dated 10.08.2026, notice of this appeal on respondents 1 and 2 is dispensed with.

5. Sri.Rangegowda.N.R, with all vehemence submits that the claimant is an agriculturist, he suffered multiple fractures. Though the doctor has stated 80% disability to the right limb and 26.67% to the both upper and lower limb in view of fractures suffered by him. Despite the same, the Tribunal considered the disability only at



30% to the whole body. He further submits that the accident occurred in the year 2019, however the Tribunal has considered the income as Rs.10,500/- per month, which is much lower than the income even fixed by the Karnataka State Legal Services Authority in the Chart prepared for settling the dispute before Lok-Adalat, which is Rs.14,000/- for the year 2019. He further submits that the claimant is an agriculturist jointly owning 05 Acres of dry land and hence, he cannot be equated with an unskilled labor to consider the income at Rs.10,500/-. The claimant is claiming Rs.15,000/- per month as income by doing agriculture work. In that view of the matter, the same may be considered for awarding compensation by taking appropriate disability to the whole body.

5.1 Learned counsel further submits that the compensation awarded under other heads, except medical expenses requires reconsideration. The Tribunal has not considered the case of the claimant to award future medical expenses, in view of injuries



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suffered which are visible in the photographs produced at Ex.P24. The claimant requires constant medical care and treatment even in future. Learned counsel further submits that the claimant was an in-patient for 50 days on multiple occasions and undergone several operations for the injuries suffered stated supra. With this, he sought to allow the appeal and enhance the compensation.

6. Per contra, Sri.B.Pradeep, argued in support of the Judgment and submits that the Tribunal in the absence of proof of income, considered the income at Rs.10,500/-, further considering the disability to the whole body at 30% and awarded appropriate compensation. However, he is not in dispute with the income fixed under the chart prepared by KSLSA at Rs.14,000/- per month for the year 2019.

7. Having considered the rival submissions, this Court perused the entire appeal paper as well as the Trial Court record.



8. The photographs produced at Ex.P24 clearly depicts that condition of claimant who was 51 years as on the date of accident and multiple fractures afore sustained by him and surgeries undergone, clearly indicates that, he has to lead his entire life with all discomforts. It is also on record that, the he was joint owner of 05 Acres i.e., two agricultural lands in different survey numbers measuring 02 Acres and 03 Acres respectively, along with his brother, which is clear from Ex.P27 and P28. The claimant was in-patient for 50 days and underwent several surgeries in respect of injuries suffered, resulting in fracture of main bones of human skeleton, along with femur and tibia. In that view of the matter, this Court proceeds to consider the income at Rs.15,000/- per month, considering the fact that he is an agriculturist jointly owning 05 Acres of land, who cannot be equated with an unskilled labor.

9. Further, a perusal of compensation awarded by the Tribunal under other heads, except medical expenses, requires reconsideration along with granting compensation



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under the head 'future medical expenses' in view of status depicted in the photograph at Ex.P24. However, this Court is of the opinion that, if 30% disability is taken into consideration, the claimant is entitled for 10% future prospectus to the existing income of Rs.15,000/-. Further, as seen from the Judgment and Award, the Tribunal has failed to award compensation under the head 'loss of amenities', which the claimant is entitled for. For the foregoing reasons, this Court proceeds to re-assess the compensation as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	1,00,000-00	2,00,000-00 (1,00,000+1,00,000)
2.	Loss of future income	4,15,800-00	6,53,400-00 (15,000+10%x12x11x30%)
3.	Medical expenses	2,82,000-00	2,82,000-00
4.	Transportation	30,000-00	30,000-00
5.	Special diet	20,000-00	30,000-00 (20,000+10,000)
6.	Attendant charges, conveyance, food and nourishment	20,000-00	30,000-00 (20,000+10,000)
7.	Loss of income during laid up period	31,500-00	90,000-00 (15,000x6)
8.	Loss of amenities	-	2,00,000-00
9.	Future medical expenses	-	25,000-00
	TOTAL	8,99,300-00	15,40,400-00



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11. Accordingly, the claimant is entitled for enhanced compensation of Rs.6,41,100/- (15,40,400 – 8,99,300) rounded off to **Rs.6,42,000/-** with interest at the rate 6% interest per annum from the date of petition till realization. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The Judgment and Award dated 28.11.2023 in MVC No.757/2019, passed by the Senior Civil Judge and Addl. MACT, Hiriur, Chitradurga is modified and compensation is enhanced.
- (iii) Respondent No.3 - Insurer shall deposit the entire enhanced compensation along with accrued interest stated supra within six weeks from the date of receipt of copy of this order before the concerned Tribunal.



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- (iv) Upon deposit, 50% of the compensation shall be released in favor of the claimant on proper identification and balance 50% shall be deposited in any interest bearing FDR with any nationalized bank for a period of 05 years.
- (v) The Bank shall not grant any loan on the said deposit, without there being any order of the Tribunal/Court.
- (vi) The Trial Court record, shall be transmitted to the concerned Tribunal, without causing any delay.
- (vii) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

TKN
List No.: 1 Sl No.: 20
ct-vn