



CNR: KAHC010248572023

NC: 2026:KHC:44110
MFA No. 3248 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.3248 OF 2023(MV-I)

BETWEEN:

LAKSHMAMMA,
W/O. ALTEHUCHAPPA,
AGED ABOUT 64 YEARS,
COOLIE, R/O 5TH CROSS,
RIGHT SIDE MALAVAGOPPA,
SHIVAMOGGA. TALUK - 577 201.

...APPELLANT

(BY SRI. SREE HARSHA A K., ADVOCATE)

AND:

1. PRASANNAKUMAR. S.,
S/O SUBRAMANI,
AGED ABOUT 45 YEARS,
R/O NO 41A, NEW COLONY,
NEAR BANEKRISHNA CIRCLE,
BHADRAVATHI - 577 245.
(OWNER OF TAT SUNO BEARING
REGN.NO. KA-14/A-98693)
2. KIRANKUMAR A. @ KIRAN,
S/O ARMUGAM. G.
AGED ABOUT 34 YEARS,



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R/O INDRAMMANILAYA,
BYPASS ROAD,
NEW SIDDAPURA,
BHADRAVATHI - 577 245.

3. THE BRANCH MANAGER,
UNITED INDIA INSURANCE CO,LTD,
RUB BUILDING, B.H.ROAD,
SHIVAMOGGA - 577 201.
(POLICY NO.2404023117P119099204.
VALID DATE 31.03.2018 TO 30.03.2019)

...RESPONDENTS

(BY SRI. S.V. HEGDE MULKHAND, ADVOCATE FOR R3,
VIDE ORDER DATED 21.06.2024 NOTICE TO R1
AND R2 ARE DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:05.11.2022
PASSED IN MVC NO. 393/2019 ON THE FILE OF THE I
ADDITIONAL DISTRICT JUDGE AND ADDITIONAL MACT-I,
SHIVAMOGGA, 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



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ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation arising out of judgment and award dated 05.11.2022 in MVC No.393/2019 passed by the I Addl. District Judge and Addl. MACT-I, at Shivamogga¹.

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

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

In an accident occurred on 11.12.2018 at about 7.30 a.m., the claimant, a sexagenarian, suffered grievous injuries resulting in 31% disability. The claimant has suffered comminuted distal femur fracture right side with tibia plateau fracture of right leg and she underwent ORIF with distal femur bicolumnar plating with ORIF with lateral condyle plate and screws on 27.12.2018. The claimant had undergone surgery for fixation of plating with ORIF

¹ Hereinafter referred to as 'Tribunal' for short



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and was admitted on 2 occasions for a total period of 42 days as inpatient. The doctor, who has been examined as PW2, has stated that the injuries has resulted in 31% disability to a particular limb.

4. The Tribunal though considered the income of the claimant as per the Chart prepared by the Karnataka State Legal Services Authority for the year 2018 at Rs.12,500/- per month and considered the disability at 10% being $1/3^{\text{rd}}$ of 31%, awarded appropriate compensation under the head 'loss of future income', however, while awarding the compensation under other heads except medical expenses, transportation and attendant charges, has awarded inadequate compensation. The claimant aggrieved by the inadequate compensation, is before this Court seeking enhancement.

5. Heard Sri.Sree Harsha A.K., learned counsel appearing for the appellant and Sri.S.V.Hegde Mulkhand, learned counsel appearing for the respondent



No.3/insurer. Notice of this appeal on respondent Nos.1 and 2 is dispensed with vide order dated 21.06.2024.

6. Both the counsel argued against and supporting the judgment and award passed by the Tribunal in respect of quantum. The learned counsel for the appellant submits that the quantum of compensation awarded under the heads except the one stated above are inadequate and requires reconsideration. Whereas, the learned counsel for the insurer submits that the compensation awarded is just and proper and there is no chance of enhancement of compensation.

7. This Court after perusing the judgment and award passed by the Tribunal is of the opinion that the compensation awarded under the other heads, which are now sought to be enhanced, requires reconsideration, when compared to injuries and disability resulted. Accordingly, this Court proceeds to reassess the compensation as under:



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Sl. No.	Particulars	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Pain and Sufferings	Rs.60,000/-	Rs.1,00,000/-
2	Medical expenses	Rs.14,050/-	Rs.14,050/-
3	Future medical expenses	--	--
4	Loss of income including future prospects on account of permanent disability	Rs.1,05,000/-	Rs.1,05,000/-
5	Loss of earning during laid up period	Rs.25,000/-	Rs.50,000/-
6	Transportation and attendant charges	Rs.20,000/-	Rs.20,000/-
7	Food and nourishment	Rs.15,000/-	Rs.25,000/-
8	Loss of amenities of life	Rs.10,000/-	Rs.50,000/-
	Total	Rs.2,49,050/-	Rs.3,64,050/-

8. Accordingly, the claimant is entitled for enhanced compensation of **Rs.1,15,000/-**, which shall carry interest @ 6% p.a. from the date of petition till realization.

9. For the reasons aforesaid, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 05.11.2022 in MVC No.393/2019 passed by the I Addl. District Judge and Addl. MACT-I, at



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- Shivamogga, is modified and enhanced to Rs.1,15,000/- along with interest @ 6% p.a. from the date of petition till realization.
- (iii) The respondent No.3/insurer shall deposit the entire enhanced compensation along with interest before the Tribunal, within six weeks from the date of receipt of certified copy of this order.
- (iv) On deposit, the entire amount including the interest, shall be released in favour of the claimant on due identification.
- (v) Trial Court Records received, if any, shall be transmitted to the concerned Tribunal forthwith without causing any delay.
- (vi) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

DR
List No.: 1 SI No.: 5
ct-vn