



CNR: KAHC010252362024

NC: 2026:KHC:43106
MFA No. 2917 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.2917 OF 2024(MV-I)

BETWEEN:

VENKATARAMA K.,
S/O KURAPPA,
AGED ABOUT 39 YEARS,
RESIDING AT A.K. COLONY,
DODDANGAMANGALA,
ELECTRONIC CITY,
BENGALURU – 560 100.

...APPELLANT

(BY SRI. SREENIVASAIAH A., ADVOCATE)

AND:

1. MALAKALAPPALLI MADHAVI,
W/O VENKATA SRINIVASA,
NO.2/31, SEEMA CHINTHA CHETTU VEEDI,
NEAR NAVATA TRANSPORT,
NALLAJERLA EST GODAVARI,
ANDHRA PRADESH – 534 112.

2. THE MANAGER,
IFFCO TOKIO GENERAL
INSURANCE CO. LTD.,
CSC 141 SRI SHANTHI TOWERS,
5TH FLOOR, 3RD MAIN,
141 EAST OF NGEF LAYOUT,
KASTURINAGAR,
BANGALORE – 560 048.

...RESPONDENTS

(BY SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2 (ABSENT),
VIDE ORDER DATED 12.11.2024 NOTICE TO R1
IS DIPENSED WITH)



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THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,1988, AGAINST THE JUDGMENT AND AWARD DATED:21.11.2023 PASSED IN MVC NO.6719/2022 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU (SCCH-7), 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 for enhancement, arising out of judgment and award dated 21.11.2023, passed by the IX ASCJ, Small Causes and Addl. MACT, Bengaluru, (SCCH-7)¹, in MVC No.6719/2022.

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

3. Heard Sri. Jagadish G. Kumbar, learned counsel appearing for Sri.Sreenivasaiah A., learned counsel for the appellant and Sri.D.Vijayakumar, learned counsel

¹ For short 'Tribunal'



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appearing for the respondent No.2/insurer. Notice of this appeal to respondent No.1 is dispensed with vide order dated 12.11.2024.

4. Sri. Kumbar, with all vehemence submits that, the claimant has suffered fracture of Right Tibia Shaft with Proximal Tibia Plateau and was inpatient for a period of 5 days in the hospital, underwent surgery of open reduction, internal fixation tibia fracture bycondylar with plate and screws under SA on 08.11.2022. The doctor who has been examined as PW2, has stated that the claimant has suffered 41% limb disability and 20% disability to the whole body. However, the Tribunal has considered disability at 12%, but took the income at Rs.15,500/- as per Chart prepared by the Karnataka State Legal Services Authority and proceeded to award compensation of Rs.3,34,800/- towards 'loss of future income'.



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5. In the teeth of evidence, the Tribunal ought to have considered the whole body disability at 20% as stated by the doctor. He further submits that the compensation awarded under other heads except medical expenses and future medical expenses, requires reconsideration. He further submits that the Tribunal has not considered the case of the claimant for awarding any compensation towards 'food, nourishment, conveyance and attendant charges', though the same is stated along with 'loss of earning during laid up period' and sought to alter the compensation.

6. Since none appeared on behalf of the respondent No.1/insurer, this Court on the submissions of the learned counsel for the claimant, perused the entire appeal memorandum as well as Trial Court records.

7. It is no doubt true that doctor has stated the disability as 41% to the particular limb and 20% disability



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to the whole body, however, as observed by the Tribunal, the doctor has not stated functional disability of the claimant. It was contended that the petitioner was doing driving work, however, no documents produced to that effect. In that view of the matter, the Tribunal has considered the disability at 12%. In view of the evidence of the doctor that the particular limb disability is 41% and the disability to the whole body at 20%, the same should have been considered in the absence of any contra evidence to that effect by the Insurer.

8. Further considering the compensation awarded under each head, except 'medical expenses' and 'future medical expenses', awarded by the Tribunal, requires assessment. The Tribunal has not awarded any compensation under the head 'food, nourishment and attendant charges', though the attendant charges is stated along with 'loss of income during laid up period'. In that



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view of the matter, the compensation awarded by the Tribunal requires to be reassessed as follows:

Sl. No.	Particulars	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Loss of future income (Rs.15,500/- x 12 x 15 x 20%)	Rs.3,34,800/-	Rs.5,58,000/-
2	Pain and sufferings	50,000/-	Rs.60,000/-
3	Medical expenses	Rs.1,06,820/-	Rs.1,06,820/-
4	Loss of income during laid up period (Rs.15,500/- x 4 months)	Rs.25,000/-	Rs.62,000/-
5	Loss of amenities (for 2 fractures)	Rs.20,000/-	Rs.40,000/-
6	Future medical expenses	Rs.20,000/-	Rs.30,000/-
7	Food, Nourishment, attendant & conveyance charges	-	Rs.20,000/-
	TOTAL	Rs.5,56,620/-	Rs.8,76,820/-

9. Accordingly, the claimant is entitled for enhanced compensation of Rs.3,20,200/-, which is rounded off to **Rs.3,20,500/-** (Rs.8,76,820 - Rs.5,56,620), which shall carry interest @ 6% p.a. from the date of petition till realization.

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



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ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 21.11.2023 passed by the IX ASCJ, Small Causes and Addl. MACT, Bengaluru, (SCCH-7), in MVC No.6719/2022, is modified and enhanced to Rs.8,77,000/- along with interest @ 6% p.a. from the date of petition till realization.
- (iii) The respondent No.2/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 claimant on proper identification.
- (v) No order as to costs.

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

DR
List No.: 1 Sl No.: 22
ct-vn