



CNR: KAHC010261772016

NC: 2026:KHC:51400
MFA No. 2345 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

MISCELLANEOUS FIRST APPEAL NO.2345 OF 2016(MV-I)

BETWEEN:

MANJU @ MANJUNATHA
S/O RUDRAPPA
AGE: 30 YEARS, OCC: NIL,
R/O PILANGERI VILLAGE
TQ & DT. SHIVAMOGGA - 577 201.

...APPELLANT

(BY SRI K MANJUNATHA RAO BHONSLE, ADVOCATE)

AND:

1. SATISH
S/O SADASHIVAPPA,
AGED ABOUT 50 YEARS,
R/O RAVINDRANAGAR,
MAIN ROAD,
SHIVAMOGGA - 577 201.
2. P.RAMA KUMAR
S/O PRASAD SHETTY,
R/O E.W.S.-30 K.H.B.COLONY,
VINOBHANAGAR
SHIVAMOGGA - 577 204.
3. THE UNITED INDIA INS. CO.,
DIVISION OFFICE,
PB NO.88, 1187/947,
2ND FLOOR, RUB BUILDING,

Digitally signed
by ANU SHA V
Location: High
Court of
Karnataka



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A.A.CIRCLE
SHIVAMOGGA - 577 201.

...RESPONDENTS

(BY SRI G.LAKSHMEESH RAO, ADVOCATE FOR R1 & R2;
SRI C.SHANKAR REDDY, ADVOCATE FOR R3)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 28.07.2015 PASSED IN MVC NO.128/14 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE & MACT-6 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 RAVI V HOSMANI

ORAL JUDGMENT

Challenging judgment and award dated 28.07.2015 passed by Prl. Senior Civil Judge & MACT-VI, Shivamogga (*Tribunal*) in M.V.C.no.128/2014, this appeal is filed.

2. Sri Manjunath Rao Bhonsle, learned counsel for appellant submitted that appeal was by claimant for enhancement of compensation. It was submitted that at 3.30 p.m. on 16.04.2013 when claimant was riding his motorcycle



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on Shimoga Pillangere road, driver of bus no.KA-35/A-9279 drove it in a rash and negligent manner and it dashed against motorcycle. In accident, claimant sustained fracture of shaft right radius, left clavicle and proximal phalanx of right little finger. Though he took treatment at Mc.Gann Hospital at Shimoga and Wenlock Hospital, Mangalore, he did not recover fully and sustained permanent disability. Claiming compensation for same, he filed claim petition under Section 166 of Motor Vehicles Act, 1988 (**MV Act**) against owner, driver and insurer of vehicle.

3. On contest, claim petition was opposed on all grounds, tribunal proved issues and recorded evidence. There was another claim arising out of same accident, which was clubbed.

4. Claimants examined four witnesses including themselves, Dr.Sudheendra P.R. and Dr.Suni M.P. as P.Ws.1 to 4 and got marked Exs.P1 to P-25. Respondent did not lead oral evidence and got marked copy of policy with consent as Ex.R1.



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5. On consideration, tribunal held that accident had occurred due to rash and negligent driving of insured vehicle by its driver, claimant had sustained injury, lost earning capacity and assessed total compensation of Rs.3,54,800/- with interest at 9% p.a. and held insurer liable to pay same. Dis-satisfied with compensation, appeal was filed.

6. It was submitted that as on date of accident, claimant was 30 years of age and working as agricultural coolie and earning Rs.12,000/- per month. Without justification, tribunal considered his monthly income at Rs.6,000/- and awarded inadequate compensation. It was submitted that though claimant sustained three fractures, Tribunal awarded only Rs.50,000/- towards pain and suffering, Rs.10,000/- towards medical expenses and Rs.30,000/- towards attendant's conveyance and other incidental expenses, Rs.20,000/- towards loss of amenities and Rs.2,44,800/- towards loss of future income, which was inadequate. Tribunal also erred in not awarding any compensation towards loss of income during laid-up period or towards future medical expenses.



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7. On other hand, Sri C. Shankar Reddy, learned counsel appearing for respondent-insurer opposed appeal. It was submitted that Tribunal has assessed compensation based on material on record leaving no scope for enhancement.

8. Heard learned counsel and perused impugned judgment and award.

9. Since only claimant is in appeal for enhancement, point that would arise for consideration is-

'Whether claimant is entitled for enhancement of compensation?'

10. Said point is answered partly in affirmative for following -

REASONS

11. Indisputably, claimant aged about 30 years working as agricultural coolie was earning Rs.12,000/- per month. In accident, he had sustained fracture of shaft of right radius, left clavicle and proximal phalanx of right little finger. However, he did not substantiate earning by specific document. In absence, tribunal assessed it notionally. Since accident occurred in year



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2013, notional income prescribed for year 2013 is at Rs.8,000/- and same has to be considered. Referring to deposition of P.W.3 that injuries had resulted in disability of 27.9%, to upper limb, tribunal has considered loss of earning capacity at 20% and applying correct multiplier of '17' assessed compensation. Considering nature of disability, assessment of loss of earning capacity at 20% does not appear to be grossly inadequate so as to warrant interference.

12. In view of above, re-assessment of compensation towards future loss of income would be as follows-

[Rs.8,000/- x 20% x 12 x 17 = Rs.3,26,400/-]

13. Considering fracture of shaft right radius, left clavicle and proximal phalanx of right little finger, award of compensation of Rs.50,000/- by tribunal towards pain and suffering would be justified. Therefore, no enhancement. Tribunal has awarded Rs.10,000/- even though claimant has produced medical bills for only Rs.4,000/-. Therefore, there would be no scope for enhancement. Tribunal has awarded Rs.30,000/- towards attendant, conveyance and other



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incidental expenses; considering duration of inpatient period even said amount cannot be stated to be grossly inadequate as to warrant interference. Therefore, same is confirmed. Tribunal has not awarded any compensation towards loss of income during period of treatment. Normally, fractures take three months to heal. Considering this period as laid-up, claimant would be entitled for compensation of Rs.24,000/- (Rs.8,000/- x 3 months). Tribunal has awarded Rs.20,000/- towards loss of amenities, which under circumstances appears justified. Though learned counsel for appellant vehemently argued for award of future medical expenses, since there is no material to indicate implants and need for surgery for removal or for future treatment, prayer for award of future medical expenses does not appear justified and is rejected.

14. In view of above, following-

ORDER

- i. Appeal is ***allowed in part***, judgment and award dated 28.07.2015 passed by Prl. Senior Civil



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Judge & MACT-VI, Shivamogga in
M.V.C.no.128/2014 is modified.

- ii. Claimant is entitled for total compensation of
Rs.4,60,400/- as against Rs.3,54,800/- awarded
by Tribunal and same shall carry interest at 9%
per annum from date of claim till award excluding
period of 154 days being delay in filing appeal.
- iii. Insurer is directed to deposit enhanced
compensation before tribunal within six weeks.
- iv. On deposit, entire enhanced compensation is
ordered to be transmitted to claimant's account
by electronic means.

Sd/-
(RAVI V HOSMANI)
JUDGE