



CNR: KAHC010271032023

NC: 2026:KHC:40462
MFA No. 3701 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL N. 3701 OF 2023

(MV-I)

BETWEEN:

MRS. GEETHA
W/O LATE THANDAVA MURTHY
AGE: 43 YEARS
R/AT BEHIND AKKAMAHADEVI
SCHOOL, BIRUR TOWN
KADUR TALUK
CHIKKAMAGALURU DISTRICT – 577 548.

...APPELLANT

(BY SMT. B N MANJULA, ADVOCATE FOR
SRI NAGARAJA R C, ADVOCATE)

AND:

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

1. MR. BALAKRISHNA BHANDARKAR
S/O SUDHAKARA BANDARKAR
AGE: 37 YEARS
R/O NEAR LAKSHMI
VENKATARAMANA TEMPLE
HOSANGADI, KUNDAPURA TALUK
UDUPI DISTRICT – 576 201.
2. MR . SUDHAKARA BANDARKAR
S/O SRINIVASA BANDARKAR
AGE: 73 YEARS
R/O NEAR LAKSHMI



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VENKATARAMANA TEMPLE
HOSANGADI, KUNDAPURA TALUK
UDUPI DISTRICT – 576 201.

3. THE MANAGER
THE NEW INDIA ASSURANCE COMPANY LTD.,
1ST FLOOR, PUSHPA BUILDING MAIN ROAD
KUNDAPURA – 576 201.

...RESPONDENTS

(BY SRI ASHOK N PATIL, ADVOCATE FOR
SMT. PADMA S UTTUR, ADVOCATE FOR
R1, BALAKRISHNA BHANDARKAR – SERVED
R2, SUDHAKAR BHANDARKAR – SERVED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED:07.01.2023
PASSED IN MVC No.111/2019 ON THE FILE OF THE MACT AND
SENIOR CIVIL JUDGE, KADUR, 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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the appellant/claimant seeking
enhancement of compensation awarded in judgment and
award dated 07.01.2023 passed in MVC No.111/2019 by
the Senior Civil Judge and MACT, Kadur, Chikkamagaluru
District.



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2. Even though the appeal is listed today for admission, it is taken up for disposal with the consent of learned counsel for appellant and learned counsel for respondent No.3/insurer.

3. The appellant/claimant made a claim petition praying to award compensation for the injuries sustained by her in a road traffic accident occurred on 24.08.2018 contending that the accident occurred due to rash and negligent driving of the driver of 407 Goods Van bearing Regn.No.KA-20-C-617. The Tribunal after recording the evidence of the parties, appreciating the evidence assessed the compensation and awarded compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Pain and suffering	60,000.00
02.	Medical expenses	4,37,818.00
03.	Incidental expenses	20,000.00
04.	Loss of income during treatment period	50,000.00
05.	Future loss of income due to disability	4,72,500.00
06.	Conveyance	10,000.00
07.	Loss of amenities and happiness	30,000.00
	Total	10,80,318.00



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4. The Tribunal also awarded interest @ 7% p.a. from the date of petition till realization and directed respondent No.3 –insurer to deposit the award amount with interest. The claimant seeking enhancement of compensation has filed the present appeal.

5. Heard learned counsel for the appellant and learned counsel for respondent No.3/insurer.

6. Learned counsel for appellant would contend that the claimant has sustained five injuries and out of them four are fractures as per the evidence of CW.1 – Doctor. CW.1 has assessed disability at 61.2% of left lower limb and the Tribunal has rightly taken the disability at 21% to the whole body. Even though the Tribunal has taken disability at 21%, the Tribunal has not taken into consideration future prospects. Considering the injuries sustained the compensation awarded towards pain and suffering, loss of amenities are on lower side. The



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claimant has been admitted in the hospital for 15 days. With this she prayed to allow the appeal.

7. Learned counsel for respondent No.3/insurer would contend that the Tribunal has rightly awarded compensation on all heads and there are no grounds for enhancement.

8. Having heard the learned counsels, the Court has perused the judgment, award and certified copy of deposition of CW.1 – Doctor produced by the learned counsel for appellant.

9. The claimant as per evidence of CW.1 – Doctor has sustained the following injuries:

- Communitied displaced segmental fracture of middle and distal third of femur (L).
- Compound comminuted fracture of proximal tibia (L).
- Minimally comminuted fracture of inferior pole of (L) patella.



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- With extensive soft tissue injury (L) Knee with (L) foot drop (Common peroneal nerve palsy)
- Undisplaced Bimalleolar fracture of (R) ankle with lacerated wound (R) ankle.

10. CW.1- Doctor has stated that the claimant is having 61.2% disability of left lower limb and Tribunal has taken 21% disability to the whole body. Even though the Tribunal has taken disability at 21% it has failed to take into consideration future prospects. The claimant is aged 39 years and therefore, future prospects are to be taken at 40%. The Tribunal has rightly applied multiplier '15' and taken notional income at Rs.12,500/-. In view of the above, the loss of future income is calculated as under:

$$\text{Rs.12,500} + 40\% (5,000) = \text{Rs.17,500/-}$$

$$\text{Rs.17,500} \times 12 \times 15 \times 21\% = \text{Rs.6,61,500/-}$$

11. Considering the injuries and fractures noted supra, the compensation awarded by the Tribunal for pain and suffering in a sum of Rs.60,000/- requires to be enhanced to Rs.1,20,000/- and loss of amenities awarded



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in a sum of Rs.30,000/- requires to be enhanced to Rs.60,000/-. Considering the injuries sustained and that the claimant has been admitted in the hospital for 15 days, the compensation awarded towards loss of income during laid up period in a sum of Rs.50,000/-, conveyance in a sum of Rs.10,000/- and incidental expenses in a sum of Rs.20,000/- is just and proper. The Tribunal has rightly awarded medical expenses of Rs.4,37,818/-. In view of the above, the claimant is entitled to compensation under various heads as under:

Sl.No.	Heads	Amount in (Rs.)
01.	Loss of future income	6,61,500.00
02.	Pain and suffering	1,20,000.00
03.	Medical expenses	4,37,818.00
04.	Loss of amenities	60,000.00
05.	Incidental expenses and conveyance	30,000.00
06.	Loss of income during laid up period	50,000.00
	Total	13,59,318.00

12. Considering the above aspects, the claimant is entitled to total compensation of Rs.13,59,318/- as against Rs.10,80,318/- with interest @ 6% p.a. from the



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date of petition till realization. Consequently, the claimant is entitled to enhanced compensation of Rs.2,79,000/- with interest @ 6% p.a. from the date of petition till realization. Respondent No.3/insurer is liable to pay the said enhanced compensation with interest.

13. In view of the above, the following:

ORDER

- i) The appeal is allowed in part.
- ii) The appellant/claimant is entitled to enhanced compensation of Rs.2,79,000/- with interest @ 6% p.a. from the date of petition till realization.
- iii) Respondent No.3/insurer shall deposit the enhanced amount with interest within a period of six weeks from this day, failing which, it is liable to pay interest @ 9% p.a. from this day till payment of enhanced compensation amount.



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- iv) Appellant / claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 38
Ct.sm