



CNR: KAHC010278652023

NC: 2026:KHC:43754
MFA No. 3764 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.3764 OF 2023(MV-I)

BETWEEN:

SMT. INDU SUBBAIAH,
AGED ABOUT 53 YEARS,
W/O K.G. SUBBIAH,
R/A NO. 24, B MAIN ROAD,
5TH CROSS, MEEMAKSHI LAYOUT,
SIDEDAHALLI,
BENGALURU - 560 073.

...APPELLANT

(BY SRI. NAGARAJA REDDY D., ADVOCATE)

AND:

1. SMT. RAMA. H.,
MAJOR,
W/O CHANDRA MURTHY,
NO. 101-8, PRASHANTHA NAGAR,
T. DASARAHALLI PEENYA,
BENGALURU - 560 057.

2. LIBERTY GENERAL INSURANCE
COMPANY LTD.,
NO.1, ALYASSA, 1ST FLOOR,
REAR PORTION, OLD NO. 28,
NEW NO.23, RICHMOND ROAD,
RICHMOND TOWN,
BENGALURU - 560 025.
REP BY ITS MANAGER

...RESPONDENTS

(BY SRI. RAVI S SAMPRATHI, ADVOCATE FOR R2,
VIDE ORDER DATED 29.06.2026 NOTICE TO R1
IS DISPENSED WITH)



**NC: 2026:KHC:43754
MFA No. 3764 of 2023**

CNR: KAHC010278652023

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED:06.03.2023 PASSED IN MVC NO.2445/2020 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE AND ACMM, MEMBER, MACT, BENGALURU, 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

Sri.Ravi S.Samprathi, learned counsel for respondent No.2-Insurer seeks two weeks time to file Vakalath. The same is accepted.

2. This appeal is by claimant seeking enhancement of compensation arising out of common judgment and award dated 06.03.2023, in MVC.No.2444/2020 c/w MVC.No.2445/2020 passed by the IX Additional Small



CNR: KAHC010278652023

Causes Judge, Court of Small Causes, Member and Motor Accident Claims Tribunal, Bengaluru (SCCH-7)¹.

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

4. Heard Sri.D.Nagaraja Reddy, learned counsel for the claimant and Sri.Ravi S.Samprathi, learned counsel for respondent No.2-Insurer. Vide order dated 29.06.2026, notice of this appeal is dispensed with in respect of respondent No.1.

5. Sri.D.Nagaraja Reddy, argued this matter only on two points: (1) The Doctor who has been examined as PW-4, stated that the injuries suffered i.e., right proximal humerus 3 part fracture with left leg both bones middle one third comminuted fracture resulted in particular limb disability i.e., upper limb at the rate of 49% and lower limb at 42% and total together would come to 91%. Though the Doctor has stated 23% to the whole body, the

¹ "Tribunal" for short



CNR: KAHC010278652023

same ought to have been considered at 30%, being 1/3rd of both the limb disability. (2) He further submitted that if this Court considers 30% disability, she would be entitled for adding of future prospectus. She was working as a Beautician and earning Rs.25,000/- p.m, however, he fairly concedes that in view of non production of documents, the Tribunal has considered the income fixed under the chart prepared by the Karnataka State Legal Services Authority at 14,500/- p.m.

6. Learned counsel further submits that compensation awarded under other heads are inadequate when compared to injury sustained, disability resulted, medical treatment taken and expenses incurred. In that view of the matter, the compensation requires re-assessment and sought to allow the appeal.

7. Sri.Ravi S.Samprathi, with all vehemence submits that the Tribunal having considered the entire material on record awarded proper compensation under all



CNR: KAHC010278652023

the heads, but fairly submits that the Tribunal ought to have considered whole body disability at 23% as stated by the Doctor, however, the Tribunal has considered 18%, and submitted only to that extent, the compensation may be reconsidered.

8. Having considered the rival submissions, this Court perused the entire appeal paper as well as the certified copy of the evidence of PW-4 Doctor produced by the learned counsel for the appellant/claimant and the same is not seriously disputed by the other side.

9. The Doctor in his evidence clearly stated the disability has resulted to the extent of 42% to the right lower limb and 49% at the upper limb. In all it comes to 91%, however, Doctor has assessed 23% to the whole body. This Court as well as High Courts across the Country and the Hon'ble Supreme Court consistently considered 1/3rd of the limb disability as whole body disability. This Court is of the opinion that 1/3rd of limb disability comes



CNR: KAHC010278652023

NC: 2026:KHC:43754
MFA No. 3764 of 2023

to 30% to the whole body. In that eventuality, the claimant is also entitled for adding future prospectus, in view of settled position of law by the Hon'ble Supreme Court.

10. A perusal of the award in all other heads, except medical expenses and future medical expenses are inadequate. In that view of the matter this Court proceeds to re-assess the compensation. Further, it is noticed by this Court that, Tribunal has ordered pay and recovery, the same is maintained.

11. Accordingly, the compensation awarded by the Tribunal is reconsidered and re-assessed, which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Towards loss of future income	2,81,880-00	5,16,780-00 (14,500+10%x12x9x30%)
2.	Towards pain and sufferings	75,000-00	1,00,000-00
3.	Towards medicine and hospital bill	89,263-00	89,263-00



CNR: KAHC010278652023

NC: 2026:KHC:43754
MFA No. 3764 of 2023

4.	Towards loss of earning during rest period and attendant charges	40,000-00	58,000-00 (14,500x4)
5.	Towards loss of amenities	40,000-00	80,000-00
6.	Towards future medical expenses	20,000-00	20,000-00
	TOTAL	5,46,143-00	8,64,043-00

12. The claimant is entitled for enhanced compensation of Rs.3,17,900/- (Rs.8,64,043 – Rs.5,46,143) rounded off to **Rs.3,18,000/-** with interest at the rate 6% interest per annum from the date of petition till realization.

13. For the foregoing reasons, this Court proceedings pass the following:

ORDER

(i) The appeal is ***allowed in part.***

(ii) The judgment and award dated 06.03.2023 passed by the Tribunal in MVC.No.2444/2020c/w MVC.No.2445/2020 is modified and enhanced to **Rs.3,18,000/-** with interest at the rate of



CNR: KAHC010278652023

6% per annum from the date of petition till realization.

- (iii) Respondent No.2-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, with liberty to recover the same from the insured.
- (iv) Upon deposit entire amount shall be released in favour of the claimant on proper identification.
- (v) The Registry is directed to send back the trial Court record, received if any, to the concerned Tribunal, immediately without causing delay.
- (vi) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 12
ct-vn