



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 2940 OF 2016 (MV-I)

BETWEEN:

SMT. KAMALAMMA,
W/O SHIVANNA,
AGED ABOUT 44 YEARS,
R/AT MANGALAVARAPETE,
CHANNAPATNA TOWN,
RAMANAGARA DISTRICT-562 160.

...APPELLANT

(BY SRI MARI GOWDA, ADVOCATE)

AND:

1. SRI SIDDARAJU,
S/O THOPEGOWDA,
AGED ABOUT 35 YEARS,
R/AT GURUDEVARAHALLY VILLAGE,
MADDUR TALUK, MANDYA DISTRICT-571 401.

2. THE BRANCH MANAGER,
THE NATIONAL INSURANCE CO. LTD.,
NO.1576, 1ST FLOOR, V.V. ROAD,
MANDYA CITY-571 401.

...RESPONDENTS

(BY R-1 SERVED AND UNREPRESENTED
SRI JANARDHAN REDDY, ADVOCATE FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 23.12.2015 PASSED IN MVC
NO.334/12 ON THE FILE OF THE SENIOR CIVIL JUDGE & JMFC,
ADDITIONAL MACT, CHANNAPATTANA, RAMANAGAR DISTRICT,



PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

Heard Sri.Mari Gowda, learned counsel for the appellant, Sri.Janardhan Reddy, learned counsel for respondent No.2.

2. The short point that is urged before this Court by learned counsel appearing for the appellant is about the notional income of the petitioner considered by the Tribunal and its consequences in respect of the compensation under the head of 'loss of earning during the laid-up period' and 'loss of future earning'.

3. The appellant was the petitioner before the Tribunal in MVC.No.334/2012 and the Tribunal has awarded a compensation of Rs.1,08,200/- under following heads:



PARTICULARS	AMOUNT (IN RS.)
Pain and agony	30,000/-
Loss of amenities and happiness	20,000/-
Loss of earning	12,000/-
Medical and incidental charges	3,000/-
Loss of future earning	43,200/-
TOTAL	1,08,200/-

3. While coming to such conclusion, the Tribunal holds that the petitioner has not produced any material to show his income and therefore, it adopts the notional income of Rs.4,000/- per month. It determines the 'loss of future earning' by adopting a functional disability of 10% and the age of the petitioner at 60 years. Thus, it had calculated the compensation under the head of 'loss of earning during laid up period for 03 months at Rs.12,000/- and 'loss of future earning' at Rs.43,200/-.

4. Learned counsel appearing for the appellant would submit that the notional income considered by the Tribunal is on the lower side since the guidelines issued by the KSLSA which are in general conformity with the



Minimum Wages Act are on the higher side. It is pertinent to note that the guidelines issued by the KSLSA prescribed a notional income of Rs.6,500/- for the year 2011. Such guidelines are held to be in general conformity with the wages fixed under the Minimum Wages Act in umpteen number of judgments by this Court. Therefore, adoption of the notional income at Rs.4,000/- cannot be sustained.

5. There cannot be any dispute that in view of nature of the injuries sustained by the petitioner, which are in the form of fracture of the lateral malleoli of left fibula and its conservative management for six weeks, the laid up of the petitioner has to be considered at three months. Therefore, the 'loss of earning during laid up period' has to be considered at Rs.6,500/- X 3 = Rs.19,500/-.

6. So far as 'loss of future earning' is concerned, by adopting multiplier of '9' and disability at 10%, the



same is calculated as Rs.6,500/- X 10 X 12 X 9% =
Rs.70,200/-.

6. Thus, the petitioner is entitled for the modified compensation under different heads as below:

PARTICULARS	AMOUNT (IN RS.)
Pain and agony	30,000/-
Loss of amenities and happiness	20,000/-
Loss of earning	19,500/-
Medical and incidental charges	3,000/-
Loss of future earning	70,200/-
TOTAL	1,42,700/-
Less awarded by Tribunal	1,08,200/-
Enhancement	34,500/-

7. Thus, the petitioner is entitled for enhanced compensation of Rs.34,500/- with interest and therefore, the appeal deserves to be allowed in part. Hence, the following:

ORDER

(i) The appeal is allowed in part.



(ii) The impugned judgment and award passed by the Tribunal is modified by awarding a sum of Rs.34,500/- in addition to what has been awarded by the Tribunal together with interest at 6% p.a. from the date of petition till its deposit.

(iii) The respondent No.2/Insurance company is directed to deposit the entire compensation amount within a period of six weeks from the date of this order.

(iv) Rest of the order of the Tribunal stands unaltered.

Sd/-
(C M JOSHI)
JUDGE