



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.7723 OF 2019(MV-I)

BETWEEN:

SANTHOSH @ SANTHOSH KUMAR
S/O. NANJEGOWDA,
AGED ABOUT 33 YEARS,
R/AT LAKSHMEGOWDANADODDI VILLAGE,
C.A. KERE,HOBLI, MADDUR TALUK,
MANDYA DIST-571428.

...APPELLANT

(BY SMT. B.L. ASHA, ADVOCATE FOR
SRI. G. M. ANANDA, ADVOCATE)

AND:

1. THE BRANCH MANAGER
UNITED INDIA INSURANCE CO. LTD.,
NEAR SATHYAGRAHA SOUDHA,
B.M. ROAD, SHIVAPURA,
MADDUR-571428.
2. SHIVARAJU D.M. S/O. MAYIGOWDA,
MAJOR, R/AT DODDARASINAKERE VILLAGE,
C.A. KERE, HOBBI, MADDUR TALUK-571 428.

...RESPONDENTS

(BY SRI. SURESH K.,ADVOCATE FOR R1(VC);

R2 SERVED AND UNREPRESENTED)

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by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.01.2019 PASSED IN MVC NO. 942/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MACT, MADDUR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR PART HEARD, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Smt.B.L.Asha, learned counsel for the appellant who appears before this Court physically, as well as Sri.Suresh K. learned counsel for respondent No.1, who appears through video conference.

2. Dissatisfied with the sum that is awarded as compensation by the Motor Accident Claims Tribunal, Maddur, through orders in MVC No.942/2016 dated 03.01.2019, the claimant therein preferred this appeal.

3. Arguing the matter, learned counsel for the appellant submits that the appellant through cultivating the land, raising vegetable crops, doing vegetable vending business, owning cows, doing milk vending business was earning ₹35,000/- per month by the date of accident. But, due



to the injuries sustained he became permanently and completely disabled. Tribunal came to a conclusion that appellant is entitled to ₹3,06,873/- as compensation, however, appellant is entitled for a higher sum. Learned counsel further submitted that CW.1 clearly stated that the disability is 53% in respect of right lower limb. However, Tribunal took the disability in respect of whole body as 14%. Learned counsel further stated that compensation granted under all heads requires enhancement. She further submitted that Tribunal took the notional income of the appellant as ₹6,000/- per month. Learned counsel stated that the accident occurred in the year 2015 and for the relevant period Karnataka State Legal Services Authority is taking the notional income as ₹9,000/- per month and at-least said figure should have been considered by the Tribunal.

4. The submission that is made by learned counsel for respondent No.1 is that the compensation granted by the Tribunal is justifiable. However, learned counsel also stated that taking the notional income of the appellant as ₹9,000/- per month, there can be marginal enhancement.



5. By all the evidence produced, appellant succeeded in establishing that he sustained fracture of right proximal tibia which is grievous in nature. He also established that he underwent a surgery. Considering the totality of evidence produced, Tribunal took the disability in respect of whole body as 14% which needs no interference. Thus, taking the notional income of the appellant as ₹9,000/- per month and without disturbing other parameters i.e. application of appropriate multiplier '17' and disability in respect of whole body as 14%, the compensation which the appellant is entitled to receive towards 'loss of future earnings' comes to ₹2,57,040/- (₹9,000/-x12x17x14%).

6. Tribunal granted a sum of ₹12,000/- towards loss of income during laid up period. However, considering the nature of injury sustained and the treatment taken which includes a surgery, this Court is of the view that appellant would have taken bed rest at least for a period of three months. Thus, loss of earnings during laid up period comes to ₹27,000/- (₹9000/- x 3).



7. This Court is of the view that appellant is entitled to a sum of ₹25,000/- for the pain and suffering he underwent. But, the Tribunal granted a sum of ₹15,000/- only under the said head. Therefore, the compensation which the appellant is liable to receive under each head will be as under:

Sl. No	Heads of compensation	Amount in ₹
1	Compensation for pain and suffering	25,000-00
2	Medical Expenses	63,513-00
3	Towards foot, extra nourishment, attendant and conveyance charges	10,000-00
4	Loss of future earnings	2,57,040-00
5	Loss of income during laid-up period	27,000-00
6	Loss of amenities in life	15,000-00
7	Future medical expenses	20,000-00
Total		04,17,553.

8. Thus, foregoing discussion makes it clear that appellant is entitled to a sum of ₹4,17,553/-. Tribunal held that appellant is entitled to a sum of ₹3,06,873/- only as compensation. Therefore, the appeal is disposed of with the following

ORDER

- (i) Appeal is allowed in part.



- (ii) Compensation that is granted by the Motor Accident Claims Tribunal, Maddur, through orders in MVC No.942/2016 dated 03.01.2019 is enhanced from ₹3,06,873/- to ₹4,17,553/-.
- (iii) The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit except for the period of delay of 145 days as per orders on IA No.1/2019.
- (iv) Respondent No.1 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of the judgment.
- (v) On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 8