



CNR: KAHC010310572018

NC: 2026:KHC:37592
MFA No. 309 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.309 OF 2018 (MV-I)

BETWEEN:

SMT. NANJAMMA
W/O. LATE LINGEGOWDA
AGED ABOUT 68 YEARS
RESIDING AT MALLENAHALLI
TOTADAMANE, MALLENAHALLI
SHRAVANABELGOLA HOBLI
CHANNARAYAPATNA TALUK
HASSAN DISTRICT-571 223

...APPELLANT

(BY SRI SHANKAR S. BHAT, ADVOCATE)

AND:

Digitally signed
by
PADMA SREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

1. SRI NAVEEN B.
S/O. RANGEGOWDA
AGED ABOUT 52 YEARS
R/AT 587/H-2D
1ST CROSS, TARAGHAR BUILDING
K. C. NAGAR, BYLAHONGALA
(OWNER OF HERO HONDA SPLENDOR
BIKE BEARING REG. NO.KA-06-K-4773
2. M/S. ORIENTAL INSURANCE COMPANY LIMITED
THE MERCHANTS BANK BUILDING
S. R. CIRCLE, BYLAHONGALA
REPRESENTED BY REGIONAL MANAGER



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REGIONAL OFFICE, NANJAPPA COMPLEX
HASSAN-573 101

...RESPONDENTS

(BY SRI V. R. DATAR, ADVOCATE FOR R-2;
R-1 IS SERVED BUT UNREPRESENTED)

THIS MFA IS FILED U/S.173(1) OF MV ACT, 1988 AGAINST THE JUDGMENT AND AWARD DATED 14/06/2017, PASSED IN MVC NO.2013/2014, ON THE FILE OF THE 4TH ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN DISTRICT (SIT AT CHANNARAYAPATNA), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 14/06/2017, passed in MVC No.2013/2014, on the file of the IV Additional District and Sessions Judge, Hassan District (Sit at Channarayapatna), for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2.



The ranks of the parties are retained as per tribunal for the sake of convenience.

3. Injured claimant met with an accident on 27.03.2014 and filed claim petition claiming compensation of Rs.8,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.1,20,000/- along with interest at the rate of 9% p.a., from the date of petition till realisation.

4. Aggrieved by the said award, she preferred an appeal and mainly contended that the petitioner sustained head injury i.e., left temporal contusion. But the Tribunal granted meager amounts under the other heads. She was an agriculturist. But now she could not work as before, therefore requested for enhancement.

5. Learned counsel for respondent stated though petitioner examined the doctor, he has not assessed disability. The injured/petitioner stated that she was earning Rs.25,000 to Rs.35,000 per month but she has not



filed any income proof. As she met with an accident in the year 2014, this court finds it reasonable to take her notional income as Rs.8,500/- per month as per the chart prepared by Karnataka State Legal Services Authority. She was aged 64 years and the relevant multiplier is '7'. The petitioner filed Ex.P3/wound certificate and also Exs.7 and 8 discharge summaries.

6. Perusal of the record shows that the doctor is examined as CW1 and he stated that the petitioner has no neurological disorder and is not suffering from any neurological disability and she was treated with conservative treatment and she is not required to take any medicine for the existence of headache. Considering the evidence of CW1, the tribunal observed that there is no physical disability on account of the injury sustained by her and there is no evidence to show that she sustained Compound Fracture of T-2. The tribunal granted **Rs.50,000/-** towards medical expenses based on Ex.P6 and the same is confirmed. The date of admission and



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discharge was on same day. Considering the above factors, tribunal granted **Rs.30,000/-** towards pain and suffering, **Rs.20,000/-** for loss of amenities and **Rs.20,000/-** for transportation, extra nourishment and attendant charges and the same is confirmed. The petitioner might not have attended any other work at least for period of 2 months, therefore this court finds it reasonable to grant an amount of Rs.8500 x 2 = **Rs.17,000/-** loss of income during laid up period due to the injury sustained in the accident.

7. Thus in all, components awarded by this court are as below,

Sl.Nos.	Particulars	Amount in Rs.
2	Pain and suffering	30,000
3	Loss of amenities	20,000
4	Transportation, extra nourishment and attendant charges.	20,000
5	Loss of income during up period	17,000
6	Medical bills	50,000
	Total	1,37,000



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Hence, the compensation granted by tribunal is enhanced from Rs.1,20,000/- to **Rs.1,37,000/-** along with interest at the rate of 6% p.a.

8. In the result, the following order is passed:

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 14.06.2017, passed in MVC NO.2013/2014, on the file of the IV Additional District And Sessions Judge, Hassan District (Sit At Channarayapatna), is modified.
- iii. The claimant is entitled to a sum of **Rs.1,37,000/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.1,20,000/- granted by the tribunal.



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- iv. Respondent/Insurance Company has already deposited the awarded amount before the tribunal. Therefore, respondent/Insurance Company is directed to deposit the enhanced compensation of **Rs.17,000/-** along with the interest at the rate of 6% within one month from the date of this order.
- v. On such deposit, claimant is permitted to withdraw the entire amount along with interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE

AKV
List No.: 2 Sl No.: 32