



CNR: KAHC010338672023

NC: 2026:KHC:47970
MFA No. 4573 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.4573 OF 2023(MV-I)

BETWEEN:

MARULASIDDAPPA,
S/O LATE MADEGOWDA,
AGED ABOUT 57 YEARS,
R/AT KASABA HOBLI,
BILIGERE HUNDI,
T. NARASEEPURA TALUK,
KIRAGASURU,
MYSURU - 571 124.

...APPELLANT

THEJAS
KUMAR
N

Digitally
signed by
THEJAS
KUMAR N
Date:
2026.09.09
11:24:13
+0530

(BY SRI. SHANTHARAJ K., ADVOCATE)

AND:

1. ARUN KUMAR,
S/O SHIVAPPA,
AGED ABOUT 39 YEARS,
R/AT NO.100,
HUNASURU GRAMA,
T NARASEEPURA TALUK,
MYSURU - 571 124.



NC: 2026:KHC:47970
MFA No. 4573 of 2023

CNR: KAHC010338672023

2. THE MANAGER,
UNITED INDIA INS.CO.LTD.,
MOTOR HP-HUB,
NO.1134, PRINCE OF WALES ROAD,
BALLAL CIRCLE,
CHAMARAJAPURAM,
MYSURU - 570 005.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE FOR R2,
VIDE ORDER DATED 11.07.2023 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:01.06.2022 PASSED IN MVC NO.666/2019 ON THE FILE
OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE AND
MACT, MYSURU, 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



CNR: KAHC010338672023

NC: 2026:KHC:47970
MFA No. 4573 of 2023

ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation arising out of a judgment and award dated 01.06.2022 in MVC.No.666/2019 passed by the II Additional District and Sessions Judge and Motor Accident Claims Tribunal, Mysuru¹.

2. Parties are referred to as per their ranking before the Tribunal.

3. The date of accident, involvement of vehicle, injuries suffered and disability resulted are not in dispute. The dispute is only with respect to percentage of disability to be considered to the whole body as well as enhancement of compensation.

4. Heard Sri.Shantharaj.K, learned counsel for appellant/claimant and Sri.C.Shankar Reddy, learned counsel for respondent No.2-Insurer. Vide order dated

¹ "Tribunal" for short



11.07.2023, notice of this appeal to respondent No.1 is dispensed with.

5. Sri.Shantharaj.K, with all vehemence submits that the doctor after examining the claimant has stated that the claimant was suffering from limb disability to the extent of 29%. The Tribunal ought to have considered the 29% disability as loss of earning capacity to the claimant and awarded appropriate compensation. He further submits that the Tribunal has considered the income at Rs.9,444/- per month. The year of accident is 2019. As per the chart prepared by the Karnataka State Legal Services Authority, for settling the dispute before the Lok Adalath, the income fixed for the year 2019 is Rs.14,000/- Further he submits that the compensation awarded under other heads, except the medical expenses is inadequate and meager and the same requires consideration and sought allow the appeal.



6. In contrast, Sri.C.Shankar Reddy with all vehemence submits that the Tribunal upon consideration of the medical evidence has considered the whole body disability at 29% and awarded appropriate compensation which does not call for any interference at the ends of this Court and sought to dismiss the appeal.

7. Having considered the rival submissions this Court perused entire appeal paper as well as trial Court record.

8. The doctor who has been examined, stated with reference to the condition of the claimant. The injury suffered in the accident is admittedly compound fracture of medial medullas with dislocation and fracture of left fibula. The claimant is an agriculturalist. Though the disability is stated at 29% to the particular limb, considering the avocation of claimant, the disability certainly comes in the way of his earning capacity. The Doctor's evidence is not



CNR: KAHC010338672023

NC: 2026:KHC:47970
MFA No. 4573 of 2023

shown in the cross-examination with respect to the particular limb disability. Now it is settled position of law by the Hon'ble Supreme Court in **PAPPU DEO YADAV VS NARESH KUMAR AND OTHERS**² that the disability resulting in loss of earning capacity require to be considered on the basis of avocation which claimant was carrying on earlier to the accident. In that view of the matter, this Court is of the opinion that if the disability is considered at 14% to the whole body, as against 29% of the particular limb, the same would meet ends of justice.

9. A perusal of the compensation awarded under all other heads, except the medical expenses requires reconsideration. Further as the claimant has already underwent surgery for removal of implants, there is no question of awarding any compensation under the head of future medical expenses. Accordingly, this Court proceed to enhance the compensation which is as under:

² AIR 2020 SC 4424



CNR: KAHC010338672023

NC: 2026:KHC:47970
MFA No. 4573 of 2023

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	35,000-00	50,000-00
2.	Loss of amenities in life	30,000-00	50,000-00
3.	Loss of future income	1,12,194-00	2,58,720-00 (14,000x12x11x14%)
4.	Attendant charges, conveyance and special diet	5,000-00	20,000-00
5.	Loss of income during treatment	18,888-00	56,000-00 (14,000X4)
6.	Compensation on account of Medical treatment and expenses	1,25,609-00	1,25,609-00
	TOTAL	3,26,691-00	5,60,329-00

10. Accordingly the claimant is entitled for enhanced compensation of Rs.2,33,638/- (Rs.5,60,329-3,26,691) rounded off to **Rs.2,34,000/-**, which shall carry interest at the rate of 6% per annum from date of petition till date of realization.

11. For the foregoing reasons, this Court proceeds pass the following:



ORDER

- (i) The appeal is ***allowed in part***.
- (ii) The judgment and award dated 01.06.2022 passed by the Tribunal in MVC.No.666/2019 is modified and enhanced to **Rs.2,34,000/-**, with interest at the rate of 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.
- (iv) Upon deposit the entire enhanced compensation amount shall be released in favour of the claimant on proper identification.



NC: 2026:KHC:47970
MFA No. 4573 of 2023

CNR: KAHC010338672023

(v) The Registry to send back the trial Court record to the concerned Tribunal, without causing any delay.

(vi) No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 15
ct-vn