



CNR: KAHC010344362015

NC: 2026:KHC:37289
MFA No. 5000 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5000 OF 2015 (MV-I)

BETWEEN:

THE BRANCH MANAGER
THE ORIENTAL INSURANCE CO.LTD.,
DIVISIONAL OFFICE, SHARADA COMPLEX,
OPPL.KSRTC BUS TAND,
CHITRDURGA TOWN,
REPRESENTED BY ITS DEPUTY MANGE,R
THE ORIENTAL INSURANCE CO.LTD.,
REGIONAL OFFICE, 2ND FLOOR,
SUMANGALA COMPLEX, LAMINGTON ROAD,
HUBLI-580020.

APPELLANT

(BY SRI. SRINIVASA KN.,ADVOCATE)

AND:

1. MAHESHA @ MAHESHWARAPPA
S/O.G.N.NIGALINGAPPA,
AGED ABOUT 26 YEARS,
R/A:BOARAGANDANAHALLI VILLAGE,
DAVANAGERE TALUK,
DAVANAGERE DISTRICT - 577001.
2. KANTHARAJA S T
S/O.THIPPANNA SANNAVEERAPPA,
AGED ABOUT 46 YEARS,

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI
Location: High
Court of
Karnataka



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OWNER OF CAR BEARING
REG.NO.KA-42/M-2813,
HASIUR FORM SANGAM ROD,
ARALALU VILLAGE,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562117.

RESPONDENTS

(R1 AND R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 09.04.2015 PASSED IN MVC NO.223/2014 ON THE FILE OF THE 1ST ADDITIONAL SENIOR CIVIL JUDGE & IVth MACT, AT CHITRADURGA, AWARDED COMPENSATION OF RS.4,04,000/- WITH INTEREST @ 8% P.A FROM THE DATE OF PETITION TILL DATE OF DEPOSIT AND ETC,.

THIS APPEAL, COMING ON FOR FINAL 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 insurance company against the judgment and award date 09.04.2015 passed in MVC.No.223/2014 by the I Additional Senior Civil Judge and IV MACT, Chitradurga, disputing the quantum of compensation.



2. Heard the arguments of learned counsel for the appellant/insurance company. In spite of service of notice respondents are unrepresented. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The injured/claimant met with an accident on 18.11.2013 and filed claim petition claiming compensation of Rs.20,00,000/-. The Tribunal considering the entire evidence on record has granted an amount of Rs.4,04,000/- with interest at the rate of 8% per annum from the date of petition till deposit. Being aggrieved by the said order, the insurance company filed this appeal and mainly contented that, the claimant was aged 28 years. As per the charge sheet, he was a vegetable vendor and earning Rs.20,000/- per month. He was inpatient for a period of 32 days. Doctor/PW.2 assessed the limb disability as 25% and 5% to the chest, but the Tribunal has taken 10% functional disability, income as Rs.6,500/- per month, applied multiplier '18' and also granted 50% towards future prospects. Learned counsel for the appellant further submits that the amount granted under the head of future



prospects, Rs.25,000/- towards future expenses and Rs.25,000/- towards cost of litigation are not sustainable.

4. Though, it is stated that the petitioner was working as a vegetable vendor and earning Rs.20,000/- per month, he has not filed any income proof, as he met with an accident in the year 2015, this Court finds it is reasonable to take notional income of Rs.8,500/- per month as per the chart prepared by the Karnataka State Legal Services Authority. The claimant was aged 28 years and the relevant multiplier is '17'. The petitioner filed wound certificate under Ex.P6 and also filed medical prescriptions and disability certificate under Ex.P7 and Ex.P9, and examined the doctor as PW.2, he stated that petitioner sustained left acetabulum fracture and the injuries are grievous in nature. As per the discharge summary, the claimant was admitted in the hospital for a period of 32 days due to the injuries sustained in the accident. He was also advised to review after 1 month. The doctor assessed the disability as 25% to the particular limb and 5% to the chest, therefore, $\frac{1}{3}^{\text{rd}}$ of 30% comes to 10%. Loss of future earning capacity comes to Rs.8,500/- X 12 X 17 X 10% =Rs.1,73,400/-. This



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Court finds it reasonable to grant an amount of Rs.50,000/- towards pain and suffering, Rs.25,000/- towards loss of amenities and Rs.30,000/- towards transportation, food nourishment and attendant charges. As per the medical bills, he is entitled for Rs.83,000/- towards medical expenses. The petitioner might not have attended any other work at least for a period of 3 months, therefore, Rs.8,500/- X 3 =Rs.25,500/- is to be granted under the head loss of income during laid up period.

5. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	50,000/-
2.	Towards loss of amenities	25,000/-
3.	Towards transportation, food, nourishment	30,000/-
4.	Towards loss of income during laid up period	25,500/-
5.	Towards loss of future earning capacity	1,73,400/-
6.	Medical expenses	83,000/-
	Total	3,86,900/-

6. Hence, respondent No.1/claimant is entitled for a total compensation of Rs.3,86,900/- along with interest at the rate of 6% p.a.



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

ORDER

- i. The appeal is ***allowed***;
- ii. The judgment and award dated 09.04.2015 passed in MVC.No.223/2014 by the I Additional Senior Civil Judge and IV MACT, Chitradurga, is modified;
- iii. The compensation is reduced from Rs.4,04,000/- to Rs.3,86,900/-;
- iv. The claimant is entitled to a sum of **Rs.3,86,900/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.4,04,000/- granted by the Tribunal;
- v. Appellant/Insurance Company is directed to deposit the reduced compensation of **Rs.3,86,900/-** along with the interest at the rate of 6% within one month from the date of this order.
- vi. On such deposit, respondent No.1/claimant is permitted to withdraw the entire amount along with interest accrued on the same.



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vii. The amount in deposit shall be transmitted to the
MACT.

viii. Registry is directed to send back the records.

Sd/-
(P SREE SUDHA)
JUDGE

PNV
List No.: 1 Sl No.: 29