



CNR: KAHC010353862026

NC: 2026:KHC:45015
MFA No. 3614 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO. 3614 OF 2026
(MV-I)

BETWEEN:

SRI. VENKATESH
S/O GOVINDAPPA,
AGED ABOUT 48 YEARS,
R/AT NO.106, KANAKAPURA ROAD,
NEAR WATER TANK AMBEDEKARNAGAR,
BIDARAHALLI, BSK II STAGE,
BENGALURU - 560 070.

...APPELLANT

(BY SRI. UDAYA KUMAR R.L., ADVOCATE)

AND:

THE MANAGING DIRECTOR
BMTCL, K.H.ROAD,
SHANTHINAGAR,
BENGALURU - 560 027.

...RESPONDENT

(BY SRI. F.S. DABALI, ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 20.11.2024 PASSED IN MVC
NO.6175/2023 ON THE FILE OF THE II ADDITIONAL JUDGE
AND ACJM, COURT OF SMALL CAUSES AND MACT, BENGALURU
(SCCH-13), PARTLY ALLOWING THE CLAIM PETITION FOR

Digitally signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA



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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 SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

This appeal is filed by the claimant seeking enhancement of compensation awarded in the Judgment and Award dated 20.11.2024 passed in MVC No.6175/2023 by II Additional Judge and ACJM, Court of Small Causes and MACT, Bengaluru (SCCH-13).

2. Even though the matter is listed today for admission, with the consent of both the learned counsel for appellant and learned counsel for respondent, the matter is taken up for disposal.

3. The appellant/claimant made a claim petition seeking for award of compensation for the injury sustained by him in a road traffic accident occurred on 03.07.2023 contending that the accident occurred due to rash and



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negligent driving by the driver of BMTC Bus bearing registration No.KA-42-F-1693.

4. The Tribunal recorded the evidence adduced by the parties and upon appreciating the evidence on record, assessed the compensation and awarded the compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of future earnings	Rs. 5,80,800/-
2.	Pain and Sufferings	Rs. 2,00,000/-
3.	Loss of amenities	Rs. 1,00,000/-
4.	Medical expenses	Rs. 42,808/-
5.	Cost of artificial limb	Rs. 3,00,000/-
6.	Conveyance, Food, Nourishment & Attendant charges	Rs. 75,000/-
7.	Disfiguration	Rs. 50,000/-
8.	Loss of income during laid up period	Rs. 32,000/-
	Total	Rs. 13,80,608/-

5. The Tribunal has also awarded the interest at the rate of 6% per annum from the date of petition till realisation and directed the respondent to pay the compensation awarded with interest. The claimant has



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filed the present appeal seeking enhancement of compensation.

6. Heard the learned counsel for appellant and learned counsel for respondent.

7. Learned counsel for the appellant would contend that, there is a amputation of right leg of the claimant. The claimant was working as a Mason and due to the accident, he could not carry out his avocation as a Mason. Therefore, the functional disability at 100% is to be taken. He placed reliance on the decision of Hon'ble Apex Court in the case of ***M. PARAMESH vs. VRL LOGISTICS LTD. AND ANOTHER*** reported in ***2026 INSC 655*** contending that, in case of amputation of leg, the functional disability is to be taken at 100%. He further submits that, the Tribunal has taken the notional income at Rs.16,000/- per month and as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and



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the same income is to be taken. He also submits that, the Tribunal has rightly added 10% towards future prospects and applied multiplier '11' considering the age of the claimant as fifty three (53) years. The compensation awarded under other heads is just and proper. With these, he prayed to allow the appeal.

8. Learned counsel for the respondent would contend that, the amputation of right leg is below knee and as per the Workmen Compensation Act, 1923, the disability is to be taken at 50% and P.W.2 - Doctor has stated that the disability to the whole body is 60%. Considering the said aspect, the Tribunal has rightly taken the disability at 25%. The compensation awarded under other heads is on higher side. With these, he prayed for dismissal of the appeal.

9. Having heard the learned counsel for appellant and learned counsel for respondent, the Court has perused the impugned Judgment, Award and Trial Court records.



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10. The accident occurred on 03.07.2023 and the claimant was aged fifty three (53) years as on the date of accident. The claimant was working as a Mason. It is not in dispute that there is a amputation of right leg of the claimant upto knee. P.W.2 - Doctor who has assessed the disability, stated that total disability of right lower limb at 80% and whole body disability at 60%. The Tribunal has taken the disability at 25%.

11. The Hon'ble Apex Court in the case of **M. Paramesh** *supra* has considered the similar case and observed as under:

"23. There is no dispute with regard to the fact that the appellant was working as a mason at the time of the accident. The work of a mason is essentially a physical and manual avocation requiring continuous use and support of both legs. The material on record further reveals that on account of the injuries suffered in the accident, the appellant underwent amputation of his right leg above the knee.

24. By virtue of the aforesaid amputation, the appellant has effectively lost his capacity to continue



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the work of a mason which was admittedly the sole avocation being pursued by him for earning his livelihood. It is not even the case of the respondents that the appellant was engaged in any other sedentary occupation or that despite the amputation suffered by him, his earning capacity remained unaffected.

25. *The amputation of the right leg above the knee has not merely caused physical disability to the appellant but has rendered him incapable of effectively carrying on the manual and physical work which constituted his only source of livelihood. In such circumstances, restricting the loss of earning capacity to 70% merely on the basis of physical disability would not be justified.*

26. *Having regard to the nature of avocation carried on by the appellant, the extent of injuries suffered by him and the principles laid down by this Court in Raj Kumar (supra), we are of the considered opinion that the functional disability suffered by the appellant is required to be assessed at 100% and not at 70% as assessed by the Tribunal and affirmed by the High Court. Consequently, the loss of earning capacity suffered by the appellant deserves to be computed by treating the functional disability at 100%. Taking the monthly income of the appellant at Rs. 12,000/-*



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with addition of 40% towards future prospects and applying the multiplier of '17' as adopted by the Courts below, the compensation payable towards loss of earning capacity is recalculated accordingly."

In the said case also, there was a amputation of right leg, but it was above knee. In the case on hand, there is a amputation of right leg upto knee. The claimant was working as a Mason. Considering the avocation of the claimant, the functional disability is to be taken at 100%.

12. The Tribunal has taken the income at Rs.16,000/- per month and as per the chart prepared by the Karnataka State Legal Services Authority, the notional income fixed for the year 2023 is Rs.16,250/- and the said income is to be taken. The Tribunal has rightly applied multiplier '11' as the claimant was aged fifty three (53) years as on the date of accident. The Tribunal has rightly added 10% towards future prospects. In view of the same, loss of future income is calculated as under:



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$$\text{Rs.}16,250/- + 10\% (\text{Rs.}1,625/-) = \text{Rs.}17,825/- \times 12$$
$$\times 11 \times 100\% = \text{Rs.}23,59,500/-.$$

13. In view of taking the disability at 100%, the claimant is not entitled to loss of income during laid up period awarded by the Tribunal in a sum of Rs.32,000/-, loss of amenities in a sum of Rs.1,00,000/- and disfiguration of Rs.50,000/-.

14. Considering all the above aspects, the claimant is entitled to total compensation under various heads as under:

Sl. No.	Particulars	Amount
1.	Loss of future earnings	Rs. 23,59,500/-
2.	Pain and Sufferings	Rs. 2,00,000/-
3.	Medical expenses	Rs. 42,808/-
4.	Cost of artificial limb	Rs. 3,00,000/-
5.	Conveyance, Food, Nourishment & Attendant charges	Rs. 75,000/-
	Total	Rs. 29,77,308/-

15. The claimant is entitled to total compensation of Rs.29,77,308/- as against Rs.13,80,608/- awarded by the Tribunal with interest.



16. Consequently, the claimant is entitled to enhanced compensation of Rs.15,96,700/- (Rs.29,77,308/- - Rs.13,80,608/-) with interest at the rate of 6% per annum from the date of petition till realisation.

17. The respondent is liable to pay the said enhanced compensation amount with interest.

18. The appellant/claimant is not entitled to interest for the delay period of 439 days in filing the appeal as per order dated 05.08.2026 passed on I.A.No.1/2026.

19. In view of the above, the following:

ORDER

- i) *Miscellaneous First Appeal is **allowed-in-part.***
- ii) *The appellant/claimant is entitled to enhanced compensation of Rs.15,96,700/- with interest at the rate of 6% per annum from the date of petition till realisation.*
- iii) *The respondent shall deposit the enhanced compensation amount with interest before*



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the Tribunal within a period of six weeks from this day.

- iv) The appellant/claimant is entitled to release of entire enhanced compensation with interest.*
- v) The appellant/claimant is not entitled to interest for the delay period of 439 days in filing the appeal.*

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

KLV
List No.: 1 Sl No.: 4