



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.6911 OF 2017

(MV-I)

BETWEEN:

BORAMMA W/O RAJANNA,
NOW AGED ABOUT 37 YEARS,
NOW R/O 5TH CROSS,
NORTH MUNICIPAL COLONY,
KELAGOTE EXTENSION,
CHITRADURGA-577501.

...APPELLANT

(BY SRI. RANGEGOWDA.N.R., ADVOCATE)

Digitally
signed by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

AND:

1. R.T.RAMESHA
S/O THIPPERUDRAPPA,
AGED ABOUT 47 YEARS,
R/O RANGENAHALLI VILLAGE,
HIRIYUR TALUK,
CHITRADURGA
DISTRICT-577599.



2. THE BRANCH MANAGER
BRANCH OFFICE,
NATIONAL INSURANCE CO.LTD.,
1ST FLOOR,
M.B.COMPLEX,
LAKSHMI BAZAR,
CHITRADURGA-577501.

...RESPONDENTS

(BY SRI. M.ARUN PONAPPA, ADVOCATE FOR R2
V/O DATED 9/3/2022, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 11.07.2017 PASSED IN MVC
NO.997/2015 ON THE FILE OF THE I ADDL. SENIOR CIVIL
JUDGE AND ADDL. MACT-IV AT CHITRADURGA PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION 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 appellant/claimant under Section 173(1) of the Motor Vehicles Act, 1988, challenging the judgment and award dated 11.07.2017 passed in MVC No.997/2015, by the I Additional Senior Civil Judge and Additional MACT-IV, Chitradurga, for enhancing the compensation.

2. Heard the arguments of the learned counsels on both sides. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The injured claimant met with an accident on 26.03.2014 and filed a claim petition before the Tribunal claiming compensation of Rs.15,50,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.1,77,598/- with interest at the rate of 6% p.a., from the date of petition till the date of realization. Aggrieved by the said award, the appellant preferred this appeal and mainly contended that the petitioner sustained fracture injuries which are grievous in nature and also



examined the Doctor as PW.2. Further, it is contended that the Tribunal granted meager amounts under the other heads and though the petitioner was doing tailoring work and earning a sum of Rs.10,000/- per month, the Tribunal erred in taking her monthly income as Rs.4,000/- per month and submitted that interest is to be granted at the rate of 9% per annum.

4. Learned counsel for respondent No.2 stated that PW.2 is not a treated Doctor and Tribunal rightly granted reasonable compensation.

5. Though the petitioner stated that she was earning Rs.10,000/- per month, she has not filed any income proof. As she met with an accident in the year 2014, this Court finds it just and reasonable to take her notional income as Rs.8,500/- per month as per the Chart prepared by the Karnataka State Legal Services Authority. She was aged 45 years as on the date of accident and the relevant multiplier would be '14'. She filed wound certificate at Ex.P6 and also Discharge Summary at Ex.P12



and examined Doctor as PW.2. PW.2 is an Orthopedic Surgeon and he stated that the petitioner sustained pain over the right ankle and leg and was diagnosed to be a case of Type-3, A open medical malleolus Fracture with distal 1/3rd fibula Fracture as per X-ray and she was treated for the same by wound debridement and fixation with plate and screws. Further, on clinical examination, she had following problems:

- (a) There was scar of 3x5 cms over medial aspect of right ankle and surgical scar of 10 cms over lateral aspect of right ankle.
- (b) There was tenderness over right medial malleolus and lower third of fibula.
- (c) There was decrease in range of motion and muscle strength of right ankle.
- (d) She had difficulty in climbing stairs using her right lower limb and in standing on her right lower limb and difficulty in squatting on floor and sitting cross legged and she walks with a limp with support of stick.



(e) The X-ray of right ankle with leg of the petitioner shows "Malunited Fracture of Right Medial Malleolus and lower third of Fibula with plate and screws in situ.

In view of the above, the Doctor has assessed that the petitioner has suffered permanent physical disability of 30% to her right lower limb and has issued disability certificate. Therefore, this Court finds it just and reasonable to take 1/3rd of 30% i.e., 10% of disability for the purpose of calculation. Therefore, compensation under the head 'loss of future earning capacity' comes to **Rs.1,42,800/-** ($8500 \times 12 \times 14 \times 10\% = 1,42,800/-$).

6. The petitioner was admitted in the Hospital for a period of five days. Considering the age, occupation and period of hospitalization and nature of injuries sustained by the petitioner, this Court finds just and reasonable to grant an amount of **Rs.50,000/-** towards 'pain and sufferings' and **Rs.25,000/-** towards 'loss of amenities' and **Rs.40,000/-** towards 'transportation, extra



nourishment and attendant charges'. The petitioner might not have done any other work atleast for a period of four months. Therefore, **Rs.34,000/-** ($8500 \times 4 = 34,000$) is to be granted under the head 'loss of income during laid up period'. The Tribunal has already granted **Rs.37,238/-** towards medical expenses as per the relevant documents. The said amount is confirmed. Thus in all, compensation awarded by this Court is as below:

Sl. Nos.	Particulars	Amount in Rs.
1	Loss of future earning capacity	1,42,800/-
2	Medical expenses	37,238/-
3	Pain and Sufferings	50,000/-
4	Loss of amenities	25,000/-
5	Transportation, extra nourishment and attendant charges	40,000/-
6	Loss of income during laid up period	34,000/-
	Total	3,29,038/-

7. Thus, the compensation is enhanced from **Rs.1,77,598/- to Rs.3,29,038/-**. Hence, the petitioner-



claimant is entitled for enhanced compensation of **Rs.1,51,440/-** (1,77,598 - 3,29,038) along with interest at the rate of 6% per annum.

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

ORDER

- i. Appeal is ***allowed in part***;
- ii. The judgment and award dated 11.07.2017 passed in MVC No.997/2015 on the file of the I Additional Senior Civil Judge and Additional MACT-IV, Chitradurga, is modified;
- iii. The appellant-claimant is entitled to a sum of **Rs.3,29,038/-** along with interest at 6% p.a. instead of **Rs.1,77,598/-** granted by the Tribunal.
- iv. The Insurance Company-respondent No.2 has already deposited the awarded amount before the Tribunal. Therefore, Respondent No.2 is directed to deposit an enhanced amount of **Rs.1,51,440/-** with interest at the rate of 6% p.a., within one month from



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the date of this order and on such deposit,
the appellant-claimant is permitted to
withdraw the entire amount along with
interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

SMJ
List No.: 1 Sl No.: 50