



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 4791 OF 2017 (MV-I)

BETWEEN:

SRI. MANJUNATH
S/O THOUSIYAPPA
AGED ABOUT 45 YEARS
R/AT MALLIKARJUNA LAYOUT
2ND CROSS, GOPALA
SHIVAMOGGA-577 201

...APPELLANT

(BY SRI. NAIK RAMACHANDRA RAMA, ADVOCATE)

AND:

1. NAVILLAPPA S B
S/O RANGAPPA
AGEDA BOUT 63 YEARS
R/AT HOSASIDDAPURA THANDA
BHADRAVATHI-577 301
SHIVAMOGA DISTRICT
2. ANANDAPPA K R
S/O RUDARAPPA K N
AGE :MAJOR
R/AT KORNAHALLI,
CHATNHALLI POST
CHIKKAMAGALUR-577 101
3. THE NATIONAL INSURANCE COMPANY LTD.
B H ROAD

Digitally
signed by
NIRMALA
DEVI
Location:
HIGH
COURT OF
KARNATAKA



SHIVAMOGA TALUK AND
DISTRICT-577 201
BY ITS GENERAL MANAGER

...RESPONDENTS

(BY SRI. ARUN PONNAPPA, ADVOCATE FOR R3
NOTICE TO R1 & R2 IS DISPENSED WITH V/O DTD
11.6.2025)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 04.03.2015 PASSED IN MVC
NO.246/2013 ON THE FILE OF THE 2ND ADDITIONAL SENIOR
CIVIL JUDGE, SHIVAMOGGA, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

1. The present appeal is filed by the claimant impugning the
judgment and award dated 04.03.2015 passed in MVC
No.246/2013 by the II Addl. Senior Civil Judge and Addl.
MACT-8 at Shivamogga¹ seeking for enhancement of
compensation.

2. The findings of the Tribunal on negligence and liability are
not under challenge. Hence, the only question that is to be

¹ hereinafter referred to as the 'Tribunal'



adjudicated in the present appeal is the enhancement of the quantum of compensation.

3. It is forthcoming that the injured was aged 42 years as on date of the accident, i.e., on 20.01.2013. The injured was stated to be a mason. The Tribunal has assessed the monthly income of the claimant at ₹9,000/-.

4. The claimant sustained fracture of tibia and fibula of the right leg. He was treated as an inpatient from 21.01.2013 to 30.01.2013 for a total period of 10 days. The doctor has assessed the disability of the claimant at 21% to the limb. The Tribunal has assessed the functional disability at 7% to the whole body which is just and proper.

5. Having regard to the aforementioned, the compensation is re-assessed as follows:

5.1 Having regard to nature of injuries sustained and the period of treatment, the compensation awarded on all the heads except towards loss of future amenities and pain and suffering are adequate.



5.2 Having regard to the fact that additional compensation is required to be awarded only towards loss of amenities and compensation towards pain and suffering, it is just and proper that the claimant be awarded a further compensation of ₹20,000/- in addition to the compensation awarded by the Tribunal.

6. It is noticed that the Tribunal has awarded interest at 9% p.a. However, taking judicial notice of the interest payable towards fixed deposits, it is just and proper to award interest at the rate of 7% p.a., on the compensation as re-assessed by this Court.

7. In view of the order passed on IA 1/2017 for condonation of delay, the claimant will not be entitled interest for the delay period of 713 days.

8. In view of the aforementioned, I pass the following

ORDER

- i) The present appeal is partly allowed.
- ii) The judgment and award dated 04.03.2015 passed in MVC No.246/2013 by the II Addl. Senior Civil Judge and Addl. MACT-8 at Shivamogga is modified



to the extent ordered herein. In all other respects, the judgment and award of the Tribunal remains unaltered;

- iii) The claimant-appellant is entitled to a further compensation of ₹20,000/- together with interest @ 7% per annum from the date of petition till the date of realization (except for a period of 713 days) in addition to the compensation awarded by the Tribunal.
- iv) Respondent No.3- insurer shall deposit the said compensation together with accrued interest within a period of six weeks;
- v) After deposit, the entire enhanced compensation with accrued interest shall be disbursed to the claimant digitally after proper identification;
- vii) The Registry to draw the modified award accordingly;
- viii) Records be transmitted to the Tribunal forthwith;
- vi) No costs.

Sd/-
(C.M. POONACHA)
JUDGE