



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO. 10838 OF 2013 (MV-I)

BETWEEN:

CHITTAPPA
S/O.MARAPPA,
AGED ABOUT 46 YEARS,
COOK, R/O JAGALUR CAMP,
JAGALUR TALUK,
DAVANAGERE DISTRICT 557528

...APPELLANT

(BY SRI. RAJASHEKHARAIHAH S.M, ADVOCATE(ABSENT))

AND:

1. MALLAKARADYA I P
S/O.PUTTAPPA,
AGED ABOUT 30 YEARS,
THE PROPRIETOR,
ARADYA CONCRETE PRODUCT,
R/O.301/302, HEBBAL INDUSTRIAL AREA,
METAGALLI, MYSORE 577106
OWNER OF CAR BEARING,
REGN NO.KA-09-Z-6543.
(PLACED EXPARTE)
2. UNITED INDIA INSURANCE COMPANY LTD
MMK COMPLEX,
AKKAMAHADEVI ROAD,
P.J.EXTENSION,
DAVANGERE -577002.

...RESPONDENTS

(BY SRI. VIJAYA PHANEENDRA T B, ADVOCATE FOR
SRI. A.N. KRISHNA SWAMY, ADVOCATE FOR R2)

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Location:
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COURT OF
KARNATAKA



THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 06.02.2013 PASSED IN MVC NO.560/2011 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, & ADDITIONAL MACT, CHITRADURGA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR 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 being dissatisfied with the quantum of compensation awarded vide judgment and award dated 06.02.2013 passed in MVC No.560/2011 by the II Additional Senior Civil Judge and Additional MACT, Chitradurga¹. The Tribunal partly allowed the claim petition and awarded a total compensation of ₹1,09,880/- together with interest at 6% p.a.

2. The finding of the Tribunal on negligence and liability is not under challenge and has attained finality. Hence, the only question that is to be adjudicated in the present appeal is the adequacy of the quantum of compensation.

¹ hereinafter referred to as 'Tribunal'



3. The Tribunal has assessed the age of the claimant as 50 years as on the date of the accident i.e., on 14.05.2011 and applied the appropriate multiplier of 13, which is just and proper.

4. It is forthcoming from the wound certificate (Ex.P5), discharge card (Ex.P7), disability certificate (Ex.P8) and testimony of the doctor (PW.2) that the claimant sustained fracture of both bones of left leg; fracture of proximal 1/3rd of the right humerus; and fracture of distal end of radius and ulna. The claimant was treated as an inpatient from 14.05.2011 to 05.07.2011 i.e., 52 days. The fracture of both bones of the left leg was surgically treated. The doctor has assessed the disability of the right upper limb at 31.46% and the left lower limb at 29.40%; thereby the doctor deposed that the claimant has a total disability of 50.58%. The Tribunal appreciating the testimony of the doctor has assessed the whole body disability at 16.86% and rounded off it to 16%, which is just and proper.

5. The claimant has deposed that he was working as a cook and earning ₹10,000/-. However, since no documentary



evidence was produced to demonstrate his income, the Tribunal has assessed the income of the claimant at ₹3,000/- p.m. Having regard to the date of accident, the notional income of the claimant is re-assessed as ₹6,500/- p.m.

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

- i. Keeping in mind the nature of injuries sustained and the period of treatment, the compensation towards pain and suffering is reassessed as ₹40,000/- as against ₹25,000/- awarded by the Tribunal;
- ii. Although the claimant has not produced any medical bills, having regard to the nature of injuries and the period of treatment, it is just and proper to award a sum of ₹20,000/- towards medical and other incidental expenses;
- iii. Having regard to the nature of injuries sustained and the resultant disability, loss of amenities is re-assessed as ₹25,000/- as against ₹5,000/- awarded by the Tribunal;



iv. Keeping in mind the period for which the claimant was treated as an inpatient, the loss of income during the said period is assessed as 4 months and compensation is awarded in a sum of (4 x ₹6,500/-) ₹26,000/-;

v. The loss of future income is reassessed as (₹6,500/- x 12 x 13 x 16) ₹1,62,240/-.

7. Accordingly, the total compensation under various heads is re-assessed as follows:

Sl.No.	Heads	Amount awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1.	Pain and suffering	25000.00	40000.00
2.	Medical and incidental expenses	0.00	20000.00
3.	Loss of amenities	5000.00	25000.00
4.	Loss of income during laid up period	0.00	26000.00
5.	Loss of future earnings	74880.00	162240.00
6.	Towards traveling expenses, conveyance, attendant charges, diet etc.,	5000.00	
	Total	109880.00	273240.00

8. Hence, the claimant is entitled for enhanced compensation of (₹2,73,240/- - ₹1,09,880/-) ₹1,63,360/-, rounded off as ₹1,64,000/-.



9. In view of the aforementioned, the following:

ORDER

- i) The appeal is allowed in part;
- ii) The judgment and award dated 06.02.2013 passed in MVC No.560/2011 by the II Additional Senior Civil Judge and Additional MACT, Chitradurga, is modified to the extent stated herein. In all other respects, the judgment and award of the Tribunal remains unaltered;
- iii) The claimant is entitled to enhanced compensation of ₹1,64,000/- with interest at 6% per annum from the date of petition till its realization, in addition to the compensation awarded by the Tribunal;
- iv) Respondent No.2 - Insurance Company 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;
- vi) The Registry to draw the modified award accordingly;
- vii) Records be transmitted to the Tribunal forthwith;
- viii) No costs.

Sd/-
(C.M. POONACHA)
JUDGE