



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCELLANEOUS FIRST APPEAL NO. 9486 OF 2017 (MV-I)

BETWEEN:

SRI VITTAL SHETTY,
S/O SHEENAPPA SHETTY,
AGED ABOUT 59 YEARS,
R/O. HOSA MATA, HILIYANA VILLAGE,
UDUPI TALUK, UDUPI DISTRICT-576 201.

...APPELLANT

(BY SRI S.M ANFAL FOR SRI K PRASANNA SHETTY, ADVOCATE)

AND:

1. SMT. DHANISHA M,
W/O ABHILASH P,
AGED ABOUT 43 YEARS,
R/O MANIKKOTH HOUSE,
CHAMPAD, THALASSERY TALUK,
KANNUR DISTRICT,
KERALA STATE-540 511.
2. UNITED INDIA INSURANCE CO., LTD.,
BRANCH NAME ASHEEQUE TOWERS,
THALASSERY, OPP:SYNDICATE BANK,
KANNUR, KERALA-540 511.

...RESPONDENTS

(BY SRI P.B RAJU, ADVOCATE FOR R-2;
R-1 SERVED & UNREPRESENTED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 05.07.2016 PASSED IN MVC
NO.758/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE &
MEMBER, ADDITIONAL MACT, KUNDAPURA, PARTLY ALLOWING



THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

Being aggrieved by the judgment and award in MVC
No.758/2014 dated 05.07.2016 by learned Senior Civil
Judge and Member, Additional MACT Kundapura, the
petitioner is before this Court in appeal seeking
enhancement of the compensation.

2. The fact that there was an accident on 9.5.2014
when the tempo traveler bearing No.KL.58.L.2709 owned
by respondent No.1 and insured by respondent No.2 hit
against the petitioner while he was standing by the side of
the road near studio of Goliyangadi of Hiliyana Village,
Udupi Taluk causing injuries to him is not in dispute.

3. The learned counsel for the petitioner submits
that the compensation awarded by the Tribunal is on the



lower side. He contends that the petitioner had sustained fracture of distal humerus with bone loss with gross deformity of the left elbow and fracture of the left clavicle with deformity and other minor injuries. He contends that the Tribunal assessed the income of the petitioner at Rs.6,500/- per month and held the disability at 18% though PW.2, Medical Officer had stated that there was a disability of 30%. Therefore, he seeks reassessment of the compensation awarded to the petitioner.

4. *Per contra*, learned counsel appearing for the respondent No.2- Insurance Company submits that the compensation awarded by the Tribunal is adequate and the disability is properly assessed by the Tribunal. He submits that there is no need for any enhancement.

5. A careful perusal of the wound certificate shows that the petitioner had sustained the above mentioned injuries. The fracture of the clavicle and the humerus definitely contribute to the physical disability of the petitioner. PW2 states that the disability to the left upper



limb is to the extent of 30%. The petitioner states that he was an agriculturist. Therefore, the functional disability of the petitioner assessed at 18% by the Tribunal is proper and no indulgence is required in the same.

6. However, the Tribunal, in the absence of any documentary evidence regarding the income of the petitioner takes the notional income at Rs.6,500/- per month. The guidelines issued by KSLSA for the purpose of settlement of disputes before the Lok Adalat prescribe a notional income of Rs.8,500/- for the year 2014. In umpteen number of judgments, this Court has held that the guidelines issued by KSLSA are in general conformity with the wages fixed under the Minimum Wages Act, and therefore, they are acceptable. Therefore, the loss of earnings on account of disability is assessed as:
$$\text{Rs.8,500/-} \times 12 \times 9 \times 18\% = 1,65,240/-.$$

7. As a consequence, the loss of earnings during the laid up period for a period of five months is assessed at $\text{Rs.8,500/-} \times 5 = 42,500/-.$



8. The Tribunal has awarded sum of Rs.72,130/- towards medical expenses, inclusive of conveyance and attendant charges. The medical expenses alone is to the tune of Rs.68,130/- and the same has to be awarded to him.

9. Sofar as the conveyance, attendant charges nourishment etc. is concerned, it would be proper to award a sum of Rs.15,000/-.

10. The Tribunal has awarded a sum of Rs.25,000/- towards loss of amenities in life which needs to be enhanced to Rs.40,000/-.

11. The compensation awarded under the heads of 'future medical expenses' and 'pain and suffering' do not require any enhancement. Hence, the petitioner is entitled for a total sum of Rs.3,92,870/- under different heads as below:



Pain and suffering	Rs. 50,000/-
Medical expenses	Rs. 68,130/-
Conveyance, Attendant charges, Nourishment,	Rs. 15,000/-
Loss of earnings during the laid up period	Rs. 42,500/-
Loss of future earnings due to disability	Rs. 1,65,240/-
Loss of amenities	Rs. 40,000/-
Future medical expenses	Rs. 12,000/-
Total	Rs. 3,92,870/-
Less: Awarded by the Tribunal	<u>Rs. 3,17,990/-</u>
Enhancement	<u>Rs. 74,880/-</u>

Thus, the petitioner is entitled for a sum of Rs.74,880/- in addition to the compensation awarded by the Tribunal.

12. In the result, the impugned judgment deserves to be modified. Hence, the following:

ORDER

(i) The appeal is allowed in part.

(ii) The petitioner is entitled for a sum of Rs.74,880/- along with interest at 6% per annum (excluding interest of the delayed period of 417 days in



filing the appeal) from the date of petition till its deposit before the Tribunal.

(iii) Insurance Company is directed to deposit the compensation amount within four weeks from the date of receipt of the copy of this judgment.

(v) Rest of the order of the Tribunal remain unaltered.

Sd/-
(C M JOSHI)
JUDGE

NR/-
List No.: 1 Sl No.: 17