



CNR: KAHC010538102019

NC: 2026:KHC:36618
MFA No. 1598 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

MISCELLANEOUS FIRST APPEAL NO. 1598 OF 2020 (ECA)

BETWEEN:

MURALI A.
S/O. ANAND M,
AGED ABOUT 26 YEARS,
R/AT ANIGHATTA VILLAGE,
BIDALUR POST,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT.

...APPELLANT

(BY SRI. SHRIPAD V SHASTRI, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. PRATHAP P
PROP. PRATHAP BUILDING,
MATERIALS SUPPLIERS, NO.197,
ANIGHATTA VILLAGE,
BIDALUR POST,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT.
2. ROYAL SUNDARAM GENERAL
INSURANCE COMPANY LTD.,
NO.132, II FLOOR,
MAANGALYAPUNARBHAV,



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BRIGADE ROAD,
BANGALORE - 560 025.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R2

NOTICE TO R1 D/W)

THIS MFA IS FILED U/S 30(1) OF EMPLOYEES COMPENSATION ACT, 1923 AGAINST THE JUDGMENT AND AWARD DATED 22.07.2019 PASSED IN E.C.A NO. 65/2016 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE AND XXXIV ACMM, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU (SCCH-7), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA, COMING ON FOR HEARING - INTERLOCUTORY APPLN, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. The claimant/employee, being dissatisfied with the compensation of Rs.6,38,321/- awarded in E.C.A.No.65/2016 by the IX Additional Small Causes and Additional MACT, Bangalore (for brevity, "the Commissioner"), is in appeal.



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2. The fact that the accident occurred during the course of employment and the further fact that the employer and employee relationship are not in dispute.

3. The Commissioner, on assessment of evidence, has awarded the following sums as compensation:

Sl. No.	Particulars	Amount in (Rs.)
1.	Loss of income	5,31,288
2.	Medical expenses	97,033
3.	Conveyance charges	10,000
	Total	6,38,321

4. Learned counsel for the claimant would contend that the Commissioner has erred while considering the disability at 50%, despite the evidence of PW.3 - Doctor who treated the appellant and deposed that the appellant sustained permanent physical disability at 64% to the whole body. Said evidence of the Doctor is supported by the medical evidence at EX.P16 - the OPD card and Ex.P17 - the X-ray film. He further stated that the injuries is caused to T-12 due to the external force. I carefully examined the evidence of PW.3 - Doctor and the



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above documents, the same depicts that, the claimant has Post Traumatic fracture T-12 vertebra with incomplete paraplegia (B2 type), further, decompression with Posterior Instrumentation T-11-L1 (Pedicule Screws) done on 05.02.2016. These fracture certainly affects the earning capacity of the claimant substantially. In such circumstance, I am of the considered view that the disability of the claimant has to be assessed at 64% instead of 50% as stated by the Doctor.

5. As per the Workmen's Compensation Act, the maximum wages of the employee has to be taken at Rs.8,000/- and in view of the injury and disability sustained, 60% of the income of the claimant has to be taken into consideration by applying the relevant factor of 221.37. Accordingly, the claimant is entitled for compensation of towards '*loss of income*' is Rs.6,80,048/- (Rs.4,800/- X 64% X 221.37) as against the sum of Rs.5,31,288/-.

6. The sum awarded as medical expenses at **Rs.97,033/-** and sum awarded as conveyance charges at **Rs.10,000/-** being based on the documentary evidence, do not call for modification and hence confirmed.



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7. Consequently, the award of the Commissioner is modified and the claimant - employee would be entitled to the following compensation:

Sl. No.	Compensation under different Heads	As awarded by the Commissioner (Rs.)	As awarded by this Court (Rs.)
1.	Loss of income	5,31,288	6,80,048
2.	Medical expenses	97,033	97,033
3.	Conveyance charges	10,000	10,000
	Total	6,38,321	7,87,081

8. Thus, the claimant is held entitled to the total compensation of **Rs.7,87,081/-** as against Rs.6,38,321/-, along with interest at the rate of 12% per annum from one month after the date of the accident till the date of deposit.

10. The Insurance Company is directed to deposit the amount of compensation awarded within six weeks from the date of receipt of a certified copy of this judgment.



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11. The entire amount in deposit shall be released in favour of the claimant - employee.

The appeal is accordingly ***allowed in part.***

**SD/-
(RAJESH RAI K)
JUDGE**

CR
List No.: 1 Sl No.: 22