



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.1751 OF 2018

(MV-I)

BETWEEN:

LOKESHA,
S/O MARINAIIKA,
AGED ABOUT 37 YEARS,
MUDHEGERE VILLAGE,
ATLAVARA POST,
DUDDA HOBILI,
HASSAN TALUK AND DISTRICT.

...APPELLANT

(BY SMT. NIRMALA, ADVOCATE FOR
SRI. MOHAN P S., ADVOCATE)

AND:

1. DINESH
S/O KRISHNEGOWDA,
AGED ABOUT 48 YEARS
KATTAHALLI, ATTAVARA POST,
DUDDA HOBILI,
HASSAN TALUK,
HASSAN DIST.
2. THE MANAGER,
INDA INSURANCE COMPANY LTD.,
CHANDRA COMPLEX, HARSHA MAHAL ROAD
HASSAN-573201.

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



NO.67240131140100008034
FROM 29-9-2014
TO 28-9-2015)

...RESPONDENTS

(R1 IS SERVED AND UNREPRESENTED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12/07/2016, PASSED IN MVC NO.840/2015, ON THE FILE OF THE 5TH ADDITIONAL DISTRICT AND SESSIONS JUDGE AND ADDITIONAL MACT, HASSAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Ms.Nirmala who represents Sri.Mohan.P.S, learned counsel on record for the appellant. Also heard Sri.B.C.Shivanne Gowda who represents Sri.S.Krishna Kishore, learned counsel on record for respondent No.2.

2. Projecting that he is entitled to a higher sum as compensation, the appellant in MVC No.840/2015 that stood pending before the Additional Motor Accidents



Claims Tribunal, Hassan, which was disposed of through order dated 12.07.2016 preferred this appeal.

3. Making her submission on the merits of the matter, learned counsel who represents the appellant contended that appellant as a mason and agriculturist was earning Rs.20,000/- per month by the date of accident. He sustained grievous injuries and is left with permanent physical disability. Tribunal without considering the occupation and earnings of the appellant took the notional income as Rs.5,000/- per month and awarded very meager sum as compensation towards loss of future earnings. Learned counsel further submits that appellant took treatment as inpatient for considerable period and he spent lot of amount for treatment. The compensation granted by the Tribunal is on lower side and therefore, the appeal is required to be allowed.

4. On the other hand, learned counsel who represents respondent No.2 stated that the appellant



failed to produce any proof with regard to his occupation and earnings as on the date of accident. Learned counsel also stated that appellant sustained only one grievous injury. He further submitted that even if the evidence of Pw.2 is taken into consideration, the disability is 23% in respect of right lower limb. Thus for whole body the disability cannot be more than 7.5 to 8%. However, Tribunal took the disability in respect of whole body as 23% and awarded exorbitant amount towards loss of future earnings. Learned counsel also contended that appellant took treatment as inpatient only for a period of 5 days. Learned counsel finally stated that compensation granted by the Tribunal is justifiable and thus the appeal is not maintainable.

5. Appellant succeeded in establishing that he sustained one grievous injury i.e. fracture of calcanium right and 4 simple injuries. Tribunal granted a sum of Rs.50,000/- towards pain and suffering and amount thus granted is justifiable. Tribunal granted a sum of



Rs.39,000/- towards medical expenses basing on the evidence produced and hence, amount awarded under the head medical expenditure requires no modification. As rightly contended by learned counsel for respondent No.2, Tribunal took the disability in respect of right lower limb as the disability in respect of whole body. That should not have been done. However, Tribunal took the notional income of the appellant as Rs.5,000/- only. Therefore, the sum awarded as compensation towards loss of future earnings i.e. Rs.2,39,200/- requires no interference. Without any discussion regarding the entitlement of the appellant for Rs.50,000/- towards loss of future prospects, Tribunal awarded such an amount. No amount is awarded as compensation towards loss of earnings during laid up period, towards loss of amenities in life, towards food, extra nourishment and conveyance charges. As appellant is not entitled to a sum of Rs.50,000/- towards loss of future prospects and as no compensation is awarded towards loss of earnings during laid up period, towards



loss of amenities in life, towards food, extra nourishment and transportation charges, it can be taken that appellant is entitled for the said Rs.50,000/- towards the expenditure incurred for those purposes. The total sum awarded as compensation is Rs.3,83,200/-. No convincing grounds are made out to show that the sum thus awarded is on lower side and further enhancement is required. Therefore, this Court is of the view that the appeal lacks merits.

6. Resultantly, the following:

ORDER

Appeal is *dismissed*.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE