



CNR: KAHC010563352023

NC: 2026:KHC:42237
MFA No. 7234 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO.7234 OF 2023(MV-I)

BETWEEN:

THE MANAGER UNITED
INDIA INSURANCE CO LTD.,
BRANCH OFFICE, CRESCENT COURT,
K.M. ROAD, CHIKKAMAGALURU CITY,
REP. BY ITS DIVISIONAL MANAGER.

...APPELLANT

(BY SRI. BHUVAN, ADVOCATE FOR
SRI. ANUP SEETHARAM RAO, ADVOCATE)

AND:

1. SRI. MANJUNATH,
S/O SRI. RAMA BHOVI,
OCC:COOLIE,
AGED ABOUT 21 YEARS,
R/O DONNEKORANAHALLI,
KADUR TALUK,
CHIKKAMAGALURU DISTRICT – 577 140.

NOW AT R/O SRIDHARS COOLIE LINE,
G. HOSAHALLI VILLAGE,
GONIBEEDU HOBLI,
MUDIGERE TALUK – 577 131.

2. SRI. H.R. NAGARAJ,
S/O LATE H.A. RAMEGOWDA,
AGED ABOUT 59 YEARS,
RESIDENT OF INDIRANAGAR,
BILAGULA,
MUDIARE TOWN – 577 550.
(RIDER AND OWNER OF MOTOR

Digitally
signed by
REKHA R
Location:
High Court of
Karnataka



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CYCLE NO.KA-18/EB-1769)

...RESPONDENTS

(BY SRI. VINOD GOWDA, ADVOCATE FOR R1,
R2 SERVED AND UNREPRESENTED)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,1988, AGAINST THE JUDGMENT AND AWARD DATED:02.08.2023 PASSED IN MVC NO.66/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, M.A.C.T., MUDIGERE, AWARDED COMPENSATION OF RS. 6,42,000/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL DEPOSIT.IN TIME. C.F. SUFFICIENT.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal by the insurer calling in question the judgment and award dated 02.08.2023 passed by the Senior Civil judge & MACT, Mudigere¹, in MVC No.66/2020. The Tribunal under the impugned award granted compensation of Rs.6,42,000/- with 6% p.a. interest from the date of petition till realization. This appeal is directed only on quantum seeking reduction in compensation awarded by the Tribunal.

¹ For short 'Tribunal'



2. The parties are referred to as per their ranking before the Tribunal.

3. Heard Sri.Bhuvan, learned counsel appearing for Sri.Anup Seetharama Rao, learned counsel for the insurer and Sri.Vinod Gowda, learned counsel appearing for the claimant/respondent No.1. Perused the entire appeal papers.

4. Sri.Bhuvan, learned counsel mainly submitted on the point that in view of the admission by the claimant in his cross examination that he continued his work in the garden of one Sri.Sridhar Gowda and continued to be paid salary by Sri.Sridhar Gowda, there cannot be any disability. He further submits that the Tribunal has considered the disability at 12% instead of $\frac{1}{3}^{\text{rd}}$ of 34%. The Tribunal must have taken $\frac{1}{3}^{\text{rd}}$ of 34%, at 11.33% rounded off to 11% instead of 12%. As such, he sought to allow the appeal.



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5. In contrast, Sri. Vinod Gowda, learned counsel with all vehemence submits that since the disability comes to 11.33%, the Tribunal has properly considered the same at 12% and awarded the compensation. He further submits that the Tribunal has not properly awarded adequate compensation under the head 'Pain and Suffering' and 'Loss of Amenities' and sought to consider the same under the concept of just compensation and sought to dismiss the appeal and modify the judgment and award by considering his contention towards 'Pain and Suffering' and 'Loss of Amenities'.

6. It is no doubt true that as per the evidence of the doctor the disability shown is 34%. The Tribunal though has stated that $\frac{1}{3}^{\text{rd}}$ of the limb disability should have been taken in respect of whole body, however, committed an error in considering the same at 12% instead of 11.33%, which should be considered as 11%.



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7. So far as contention that the claimant continued his work with the Sridhar Gowda at his garden is concerned, he being a coolie, the said contention will not come in the way of considering the disability. The compensation awarded under the beneficial legislation shall be within the four of the concept of just compensation. In that view of the matter, the compensation awarded by the Tribunal requires reconsideration. Accordingly, the compensation is reassessed as under:

Sl. No.	Particulars	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Pain and suffering	Rs.30,000/-	Rs.40,000/-
2	Loss of amenities and happiness and frustration of life and inconvenience (Since there are loss of two fingers which being a schedule injury)	Rs.40,000/-	Rs.50,000/-
3	Medical expenses	Rs.12,000/-	Rs.12,000/-
4	Conveyance, attendant, food, nourishment charges	Rs.10,000/-	Rs.10,000/-
5	Loss of earning during laid up period	Rs.42,000/-	Rs.42,000/-
6	Loss of future earning (Rs,19,600/- x 12 x 18 x 11%)	Rs.5,08,000/-	Rs.4,65,696/-
	Total	Rs.6,42,000/-	Rs.6,19,696/-



8. Accordingly, the compensation awarded by the Tribunal is reduced in a sum of Rs.22,304/- and a compensation of **Rs.6,19,696/-** rounded off to **Rs.6,20,000/-** is awarded to the claimant instead of Rs.6,42,000/-.

9. For the reasons aforesaid, this Court proceed to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 02.08.2023 passed by the Senior Civil Judge & MACT, Mudigere, in MVC No.66/2020, is hereby modified to the extent of reducing the compensation amount from Rs.6,42,000/- to **Rs.6,20,000/-**.
- (iii) The claimant is entitled to a total compensation of **Rs.6,20,000/-** along with interest at the rate of 6% per annum from the date of petition till realization.
- (iv) On deposit, 50% shall be invested in any interest bearing FDR with any nationalized bank for a period of five (5) years and



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balance 50% amount shall be released in favour of the claimant/respondent on proper identification.

- (v) The Bank shall not permit any loan on the amount deposited without an order by the Court or Tribunal.
- (vi) The amount in deposit shall be transmitted to the concerned Tribunal for disbursement.
- (vii) Send back the TCR, if any received, forthwith without any delay.

**Sd/-
(T.M.NADAF)
JUDGE**

DR
List No.: 1 Sl No.: 28
ct-vn