



CNR: KAHC010571402023

NC: 2026:KHC:47971
MFA No. 7312 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.7312 OF 2023(MV-I)

BETWEEN:

GIRISH,
S/O GOVINDAPPA,
NOW AGED ABOUT 34 YEARS,
RA/T MARADIHALLY VILLAGE,
HIRIYUR TALUK,
CHITRADURGA DISTRICT.

...APPELLANT

(BY SRI. RANGE Gowda N R., ADVOCATE)

AND:

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1. T. MALLIKARJUNA,
S/O THIPPESWAMY,
R/AT NEAR ANURADHA DISH,
OPPOSITE ROAD,
GANDHINAGARA,
CHALLAKERE TOWN.
2. THE BRANCH MANAGER,
ORIENTAL INSURANCE CO. LTD.,
BRANCH OFFICE,



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SRI. AMARESHWARA NILAYA,
BENGALURU ROAD,
CHALLAKERE.

...RESPONDENTS

(BY SRI. A.R. LAKSHMINARAYANA, ADVOCATE FOR R2,
VIDE ORDER DATED 15.07.2026 NOTICE TO R1
IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
1988, AGAINST THE JUDGMENT AND AWARD
DATED:30.09.2023 PASSED IN MVC NO.93/2021 ON THE FILE
OF THE SENIOR CIVIL JUDGE AND JMFC, HIRIYUR,
CHITRADURGA, 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 MR. JUSTICE T.M.NADAF



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ORAL JUDGMENT

This appeal by the claimant seeking enhancement of compensation arising out of a judgment and award dated 30.09.2023 in MVC.No.93/2021 passed by the Senior Civil Judge and Additional Motor Accident Claims Tribunal, at Hiriya, Chitradurga¹.

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

3. The date of accident, involvement of vehicle, injuries suffered and disability resulted are not in dispute. The dispute is only with respect to inadequate compensation.

4. Heard Sri.Range Gowda.N.R, learned counsel for appellant/claimant and Sri.A.R.Lakshminarayan, learned counsel for respondent No.2-Insurer. Vide order dated 15.07.2026, notice of this appeal to respondent No.1 is dispensed with.

¹ "Tribunal" for short



5. Sri.Range Gowda, with all vehemence submits that the claimant has suffered fracture of lateral condyle and other injuries. He was an inpatient for a period of 42 days and underwent surgery for insertion of implants. He further submits that the doctor who has been examined as PW-2, assessed the disability to the particular limb at 40% and stated 20% to the whole body. Though the Tribunal has considered the disability as stated by the doctor to the extent of 20% to the whole body and applied appropriate multiplier with reference to the age being 32 years of the claimant, however considered the income at Rs.10,500/- in respect of the year of accident 2020. As per the chart prepared by the Karnataka State Legal Services Authority for settling the dispute before the Lok Adalath, the income fixed for the year 2020 is Rs.14,500/-. He further submits the said income ought to have been considered by the Tribunal which it has failed to consider. Further, taking this Court through the compensation awarded under various heads, the learned counsel submits that the compensation



except under the head medical expenses are inadequate and requires reconsideration and sought to allow the appeal by enhancing the compensation.

6. In contrast, Sri.A.R.Lakshminarayana, learned counsel for respondent No.2-Insurer with all vehemence submits that though the Tribunal has considered the income at the rate of Rs.10,500/- per month, however the Tribunal has awarded appropriate compensation under all other heads. Further he submits that the particular limb disability is 40% the Tribunal ought to have considered 1/3rd of the limb disability, however, the Tribunal has considered 50% that is, 20% to the whole body. In that view of the matter there is no scope for enhancement of compensation and accordingly sought to dismiss the appeal.

7. Having considered the rival submissions this Court has perused the entire appeal paper as well as trial Court record.



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8. Though the Tribunal has considered the whole body disability at 20% and awarded the compensation after considering the evidence of the Doctor and the length of in-patient period and medical treatment taken and expenses incurred, as stated by the Doctor. The respondent No.2-Insurer is not in appeal. In that view of the matter, this Court finds no infirmity in the order passed by the Tribunal in considering the physical disability to the whole body at the rate of 50%. However, the fact remains that the Tribunal has considered the income at the rate of Rs.10,500/- in respect of year of accident 2020, which is against the income settled under the chart stated supra. In that view of the matter the income at the rate of Rs.14,500/- is considered for awarding the compensation under the loss of future income as well as income during laid up period.

9. A perusal of award as rightly contended by the learned counsel appearing for the claimant indicates that



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the compensation awarded under the other heads, except medical expenses are meager when compared to the injury suffered, disability resulted, medical treatment taken and the expenses incurred. Further, it is noticed that the Tribunal has not at all awarded any compensation under that loss of amenities. In consideration thereof, this Court proceeds to reassess the compensation which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Pain and suffering	50,000-00	60,000-00
2.	Loss of earnings	4,03,200-00	5,56,800-00 (14,500x12x16x20%)
3.	Loss of income during laid up period	31,500-00	58,000-00 (14,500x4)
4.	Transportation expenses and special diet	30,000-00	50,000-00
5.	Attendant charges	16,800-00	20,000-00
6.	Loss of amenities in life	-	50,000-00
7.	Medical expenses	32,000-00	32,000-00
	TOTAL	5,63,500-00 (wrongly mentioned as 5,63,900/-)	8,26,800-00



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10. Accordingly, the claimant is entitled for enhanced compensation of Rs.2,63,300/- (Rs.8,26,800-5,63,500) rounded off to **Rs.2,64,000/-** which shall carry interest at the rate of 6% per annum from the date of petition till realization.

11. For the following reasons, this Court proceeds to pass the following:

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The judgment and award dated 30.09.2023 passed by the Tribunal in MVC.No.93/2021 is modified and enhanced the compensation to **Rs.2,64,000/-** with interest at the rate of 6% per annum from the date of petition till realization.
- (iii) Respondent No.2-Insurer shall deposit the entire enhanced compensation along with



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accrued interest stated supra within six weeks from the date of receipt of copy of this order before the concerned Tribunal.

(iv) Upon deposit the entire enhanced compensation amount shall be released in favour of the claimant on proper identification.

(v) The Registry to send back the trial Court record to the concerned Tribunal, without causing any delay.

(vi) No order as to costs.

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

RR
List No.: 1 Sl No.: 17
ct-vn