



CNR: KAHC010628962023

NC: 2026:KHC:43900
MFA No. 7966 of 2023
C/W MFA No. 7965 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.7966 OF 2023(MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.7965 OF 2023(MV-I)

IN MFA No. 7966/2023

BETWEEN:

PRAKASH J.A.,
S/O ANDANIGOWDA,
NOW AGED ABOUT 54 YEARS,
R/AT JAVARANAHALLI,
BELLUR HOBLI,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 571 421.

...APPELLANT

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

AND:

1. MANJEGOWDA P.B.,
S/O SINGREE Gowda,
AGED MAJOR,
R/AT NO. 551, BOMMANAHALLI,
NEAR BELLUR CROSS BUS STOP,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 571 418.
2. HDFC ERGO GEN INS CO LTD.,
REP BY ITS MANAGER,
NO 25/1, 2ND FLOOR,

Digitally
signed by
REKHA R
Location:
High Court
of Karnataka



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SHANKAR NARYANA BUILDING,
M.G. ROAD,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. SUNIL KUMAR K., ADVOCATE FOR
SRI. H.S. LINGARAJU, ADVOCATE FOR R2,
VIDE ORDER DATED 30.08.2024 NOTICE R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:24.08.2023
PASSED IN MVC NO.4218/2020 ON THE FILE OF THE MEMBER,
MACT, XIX ADDITIONAL JUDGE, COURT OF SMALL CAUSES,
BENGALURU CITY (SCCH-17), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

IN MFA NO. 7965/2023

BETWEEN:

THAYAMMA,
W/O PRAKASH J.A.,
NOW AGED ABOUT 51 YEARS,
R/AT JAVARANAHALI,
BELLUR HOBLI,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 571 421.

...APPELLANT

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

AND:

1. MANJEGOWDA P.B.,
S/O SINGREE Gowda,
AGED MAJOR,
R/AT NO. 551, BOMMANAHALLI,
NEAR BELLUR CROSS BUS STOP,
NAGAMANGALA TALUK,
MANDYA DISTRICT - 571 418.



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2. HDFC ERGO GEN INS CO LTD.,
REP BY ITS MANAGER,
NO 25/1, 2ND FLOOR,
SHANKAR NARAYANA BUILDING,
M G ROAD, BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. SRI. SUNIL KUMAR K., ADVOCATE FOR
SRI. H.S. LINGARAJU, ADVOCATE FOR R2,
VIDE ORDER DATED 30.08.2020 NOTICE TO R1 IS
DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV
ACT, AGAINST THE JUDGMENT AND AWARD
DATED:24.08.2023 PASSED IN MVC NO.4217/2020 ON
THE FILE OF THE MEMBER, MACT, XIX ADDITIONAL
JUDGE, COURT OF SMALL CAUSES, BENGALURU SCCH-
17PARTLY ALLOWING THE CLAIM PETITION FOR
COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION

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

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

ORAL ORDER

These two appeals by the claimants seeking for
enhancement of compensation arising out of common
judgment and award dated 24.08.2023 in
MVC.No.4217/2020 and MVC. No.4218/2020 passed by
the Motor Vehicles Accident Claims Tribunal, Bengaluru
City, SCCH-17.



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

3. Heard Sri. Rangegowda N.R, learned counsel appearing for the claimant in both the appeals and Sri. Sunil Kumar.K, learned counsel for H.S. Lingaraju, learned counsel for respondent No.2 in both the cases.

4. Sri. Rangegowda N.R, learned counsel submits that the claimant in MVC.No.4217/2020 suffered left clavicle fracture, fracture of left humerus, left scapula fracture, left 3rd and 4th rib fracture splenic laceration and she was treated at Adichunchagiri Hospital with ORF plate and screws for the left clavicle and left humerus. PW4, the doctor who has been examined has stated that the limb disability is at 51% and when compared to whole body the same is at 17%. The claimant was working as an agriculturist. In that view of the matter, the disability affects her functional disability and which would be more than the physical disability at 17%. He further submits



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that though the doctor has stated she requires another Rs.60,000/- for removal of implants, the Tribunal has granted only Rs.30,000/-. He further submits that the compensation awarded under each head is inadequate and requires re-consideration and sought to allow the appeal.

5. So far as MVC.No.4218/2020 is concerned, Sri. Rangegowda submits that the claimant had suffered fracture of right distal end of radius and right tibial spine avulsion fracture with crush injury of the right leg and he was treated at Adichunchagiri Hospital with closed reduction an Ex-Fix for the tibial spine and later discharged. The doctor who has been examined has stated that the claimant has got lower limb disability at 40% and upper limb at 27%., i.e., totally 61% and stated 18% to the whole body.

6. Though the doctor has stated 18%, the $\frac{1}{3}^{\text{rd}}$ of total disability of both the limbs comes to 20% and the same affects the functional disability more than that. He



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further submits that, though the medical expenses incurred was Rs.44,164/-, however the Tribunal has awarded a global compensation without awarding any compensation under the particular said and sought to allow the appeal.

7. Sri.Sunil Kumar, oppose the contentions of Sri.Range Gowda and supported Judgment passed by the Tribunal stating that in the absence of proof regarding the income, Tribunal properly considered the income fixed under the chart for the year 2020 i.e., at Rs.14,500/- per month and properly considered the evidence of the doctor and awarded appropriate compensation.

8. In MVC.No.4217/2020 Global Compensation of Rs.3,00,000/- in MVC.No.4218/2020, which is within four of 'just compensation', in that view, the judgment do not call for any interference and sought to dismiss the appeal.



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9. Having considered the rival submissions, perused the entire appeal papers and the medical evidence, insofar as the injuries of the claimant in MVC.No.4218/2020, the certified copy is made available by the learned counsel for the appellant, which is not seriously disputed by the learned counsel for the respondent/Insurer.

10. A perusal of the evidence clearly shows in MVC.No.4218/2020, that the doctor has clearly stated the disability of both the upper and lower limb is at 40% and 27% i.e., total 67%. However, stated 18% by the Doctor. The Tribunal though considered the same along with medical expenses granted global compensation of Rs.3,00,000/-.

11. In that view of the matter, the claimant in MVC.No.4218/2020, though claimed as an attender in Adichunchagiri, however, not produced any documents to that effect. In that view of the matter, this Court is of the



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opinion that the income fixed under the chart for the year 2020 i.e., Rs.14,500/- p.m., is to be considered which is just and proper. The 1/3rd of 67% of limb disability comes to 22% to the whole body and same is considered. However, considering the fracture suffered, disability resulted, inpatient period, treatment taken and expenses incurred which are on record with the documents, the Tribunal ought to have considered the case of the claimant for awarding compensation under each head.

12. In that view of the matter, the award of global compensation of Rs.3,00,000/- is very inadequate and against the concept of 'just compensation'.

13. Having considered these aspects of the matter, this Court proceeds to reconsider and re-assess the compensation awarded by Tribunal which is as under:



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Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of future income	3,00,000-00	4,21,080-00 (Rs.14,500x12x11x2 2%)
2.	Loss of income during the laid up period and attendant charge	-	58,000-00 (Rs.14,500x4)
3.	Conveyance charges	-	40,000-00
4.	Pain and sufferings	-	75,000-00
5.	Food nourishment, attendant charges and loss of amenities	-	50,000-00
6.	Medical bills	-	1,18,093-00
7.	Towards future medical expenses	-	30,000-00
	TOTAL	3,00,000-00	7,92,173-00

15. Accordingly, the claimant is entitled for enhanced compensation of **Rs.4,92,173/-** rounded off to **Rs.4,93,000/-**, which shall carry interest at the rate of 6% per annum from date of petition till realisation.

16. So far as MVC.No.4217/2020 is concerned, the claimant has suffered as per the evidence of the doctor, 51% and total body disability is stated as 17%. Considering the fact that she was an agriculturalist, this Court is of the opinion that 20% disability is considered



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same would meet ends of justice and further, the compensation awarded under the other heads are on the lower side, which requires re-consideration.

17. Having considered these aspects of the matter, this Court proceeds to reconsider and re-assess the compensation awarded by Tribunal which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Loss of future income	3,84,540-00	6,40,900-00 (Rs.14,500x13x17x20%)
2.	Loss of income during the laid up period and attendant charge	38,640-00	58,000-00 (14,500x4)
3.	Conveyance charges	20,000-00	40,000-00
4.	Pain and sufferings	70,000-00	1,00,000-00
5.	Food nourishment, attendant charges and loss of amenities	40,000-00	50,000-00
6.	Medical bills	1,18,093-00	1,18,093-00
7.	Towards future medical expenses	30,000-00	30,000-00
	TOTAL	7,01,273-00	10,36,993-00

18. Accordingly, the claimant is entitled for enhanced compensation of **Rs.3,35,720/-** rounded off to **Rs.3,36,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realisation. For the



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foregoing reasons, this Court proceeded to pass the following:

ORDER

- i. The appeals filed by the claimants in MVC.Nos.4217/2020 and 4218/2020 are ***allowed in part*** by modifying the judgment and award dated 24.08.2023 in MVC.No.4217/2020 and 4218/2020 passed by the Motor Vehicles Accident Claims Tribunal, Bengaluru City, SCCH-17 is hereby modified.
- ii. The claimant in MVC.No.4217/2020 is entitled for enhanced compensation of ***Rs.4,93,000/-***. The claimant in MVC.No.4218/2020 is entitled for enhanced compensation of ***Rs.3,36,000/-***. The compensation awarded supra shall carry interest at the rate of 6% per annum from the date of petition till realization.



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- iii. The respondent No.2/Insurer shall deposit the entire enhanced compensation in both the claim petitions within 6 weeks from the date of receipt of copy of this order before the concerned Tribunal.
- iv. On deposit, entire amount shall be released in favour of the claimants on proper identification.
- v. Trial Court records secured, shall be sent forthwith without causing any further delay.

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 19
ct-vn