



CNR: KAHC010644762023

NC: 2026:KHC:50997  
MFA No. 8199 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE GEETHA K.B.**

**MISCELLANEOUS FIRST APPEAL NO. 8199 OF 2023**

**(MV-I)**

**BETWEEN:**

JAYANTHI  
W/O SHIVASWAMY  
AGED ABOUT 43 YEARS  
RESIDING AT KONGABORANADODDI  
VILLAGE, KADAPURA DAKALE  
NIDAGATA POST,  
ATHOOKUR HOBLI  
MADDUR TALUK AND DISTRICT - 571 433.

...APPELLANT

(BY SRI. SHANTHARAJ K.,ADVOCATE)

**AND:**

1. BALARAJU GOWDA  
S/O CHANNAPPA  
AGED MAJOR  
RESIDING AT CHOTANAHALLI VILLAGE  
KOPPA HOBLI  
MADDUR TALUK  
MANDYA DISTRICT - 571 433.

2. THE MANAGER  
NATIONAL INSURANCE  
COMPANY LIMITED  
2ND FLOOR SHUBHARAM COMPLEX,  
NO. 144, M G ROAD  
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. C. SHANKARA REDDY .,ADVOCATE FOR R2;

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V/O DATED 16.06.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 18.08.2023 PASSED IN MVC NO.206/2020 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND CJM, ADDITIONAL MACT, RAMANAGARA, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

### **ORAL JUDGMENT**

This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short 'the M.V. Act') by the appellant/claimant challenging the judgment and award dated 18.08.2023 passed in MVC.No.206/2020 on the file of Additional Motor Accidents Claims Tribunal and Principal Senior Civil Judge and CJM Ramanagara ('the Tribunal' for short).

2. Parties would be referred with their ranks, as they were before the Tribunal for sake of convenience and clarity.

3. The case of the claimant in nutshell before the Tribunal is that, claimant was pillion rider of the motorcycle bearing registration No.KA-11-EH-5013 on 14.06.2020 at 02.20

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p.m. and when she was travelling near Madduramma temple, Maddur, a Tata ACE goods vehicle bearing registration No.KA-11-B-2517 came from opposite side, dashed against the motorcycle in which the claimant was a pillion rider and caused the accident. Due to the accident, claimant sustained grievous injuries. She has taken treatment in Government Hospital, Maddur, later Premier Sanjeevini Multi-Super Speciality Hospital, Bengaluru and Narayana Hospital, Ramanagara and hence, claimed compensation under several heads.

4. After service of notice, respondent No.2, the insurer of the offending Tata ACE goods vehicle filed its written statement denying the averments made in the petition and prayed for dismissal of the petition.

5. After framing issues, recording the evidence and hearing arguments of both sides, the Tribunal came to the conclusion that claimant is entitled for the total compensation of Rs.3,50,342/- under the following heads:

|   |                                                                   |                      |
|---|-------------------------------------------------------------------|----------------------|
| 1 | <i>Loss of future earnings on account of Permanent Disability</i> | <i>Rs.1,94,880/-</i> |
| 2 | <i>Medical Expenses</i>                                           | <i>Rs.35,962/-</i>   |
| 3 | <i>Pain and suffering</i>                                         | <i>Rs.40,000/-</i>   |

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|   |                                                   |                      |
|---|---------------------------------------------------|----------------------|
| 4 | <i>Food and Nourishment and attendant charges</i> | <i>Rs.25,000/-</i>   |
| 5 | <i>Loss of amenities and enjoyment of life</i>    | <i>Rs.20,000/-</i>   |
| 6 | <i>Laid up period</i>                             | <i>Rs.14,500/-</i>   |
| 7 | <i>Future medical expenses</i>                    | <i>Rs.10,000/-</i>   |
| 8 | <i>Travel expenses</i>                            | <i>Rs.10,000/-</i>   |
|   | <b>Total</b>                                      | <b>Rs.3,50,342/-</b> |

Not satisfied with the said compensation, claimant is before this Court.

6. Sri Shantharaj K., learned counsel for the appellant/claimant would submit that the claimant was tailor by profession. She has sustained two fractured injuries, one on her temporal bone and another on her left ankle. The doctor assessed disability at 24% to a particular limb. The same shall be taken as the disability to the claimant because she cannot work, as she was working earlier; the leg is an important component to continue her profession and thus there is functional disability of 24% and not 8%, as taken by the Tribunal. Hence, prayed for enhancement of the compensation. The learned counsel for the claimant would further submit that the claimant was working as tailor and getting income of

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Rs.30,000/- per month and that is to be considered as her income and not the notional income noted in the chart.

7. Sri C. Shankar Reddy, the learned counsel for respondent No.2 would submit that the claimant has not produced any material to show that she was getting Rs.30,000/- per month as salary or wages or by any other mode. Hence, the income taken by the Tribunal by placing reliance on the chart of Karnataka State Legal Services Authority (KSLSA) is correct. Learned counsel for respondent No.2 would further submit that the doctor himself has stated in the evidence that the disability to whole body is 8%. By placing reliance on his evidence, the Tribunal has taken the income of deceased at 8%. Hence, it requires no interference. Hence, prayed for dismissal of the appeal.

8. Having heard arguments of both sides, verifying the appeal papers and trial Court records, the point that arises for consideration is:

*a) Whether claimant is entitled for enhancement of compensation ?*

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9. The finding of this Court on the above point is in **Negative** for the following:

### **REASONS**

10. The facts established before the Tribunal are that the claimant was a pillion rider of the motorcycle and met with the road traffic accident by involving motorcycle and the offending Tata ACE goods vehicle on 14.06.2020 at 02.20p.m. Due to the accident, the claimant has sustained two injuries *i.e.*, fracture on her temporal bone and fracture of left Calcaneum on her left ankle. According to claimant, she has taken treatment at Government Hospital, Maddur, Premier Sanjeevini Multi-Super Speciality Hospital, Bangalore and Narayana Hospital, Ramanagara. The claimant has not produced the documents of Premier Sanjeevini Multi-Super Speciality Hospital or Government Hospital, Maddur, but only produced the discharge summary, prescription and invoices of Narayana Hospital, Ramanagara, wherein she had taken treatment as inpatient for 4 days that is from 02.07.2020 to 05.07.2020, about 15 days after the accident.



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11. PW2 is the doctor, who treated the claimant at Narayana Hospital, Ramanagara stated the disability of claimant in his affidavit evidence as 24%; permanent disability to the whole body is  $24\%/3$  equal to 8%. He has produced the case sheet and X-ray of the claimant. He has examined the patient, mentioned the difficulties being faced by the claimant and then came to the conclusion that there is 8% disability to the whole body.

12. Considering it, the Tribunal has assessed, the disability of claimant at 8%.

13. The learned counsel for the appellant would submit that the law does not prescribe one third disability of particular limb as the disability to whole body. Hence, the disability of 8% taken by the Tribunal is improper.

14. The claimant herself places reliance on the evidence of PW2 to decide the disability. PW2 is the treated doctor and expert and he has deposed that there is 8% disability to the whole body. It cannot be considered that disability to the whole body is 24% as argued by learned counsel for the appellant.

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15. The claimant in her claim petition has stated her profession as tailor. But only in her evidence, she has deposed that she was working in a garments factory. However, the salary slip or any other document of the garments factory is not produced by the claimant to prove her income.

16. When there is no document to prove the income of the claimant, it is just and feasible to place reliance on the chart prepared by the KSLSA of Lok Adalat to decide the notional income. Accordingly, the Tribunal has taken the notional income of the claimant at Rs.14,500/-, which requires no interference.

17. As far as compensation awarded by the Tribunal on other heads is concerned, the Tribunal has properly appreciated the nature of injuries suffered by the claimant and awarded compensation on all heads, which is not on lower side, but it is just and proper. Hence, the claimant is not entitled for enhancement of the compensation. Hence, this Court passes the following:

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**ORDER**

(i) Appeal is ***dismissed***.

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**(GEETHA K.B.)**  
**JUDGE**

JY  
List No.: 1 Sl No.: 25