



CNR: KAHC010667442023

NC: 2026:KHC:43898
MFA No. 8371 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.8371 OF 2023(MV-I)

BETWEEN:

SMT. VARALAKSHMI,
W/O. SURESHA,
AGED ABOUT 49 YEARS,
EMPLOYEE IN
SRI. SAI EXPORT PVT. LTD.,
NOW UNEMPLOYED,
R/AT SWARNASANDRA,
MANDYA CITY.

NOW R/AT C/O. HOUSE OF DIVAKARA,
S/O. SRINIVASA,
CHINDEGOWDANAKOPPALU VILLAGE,
ARAKERE HOBLI,
SRIRANGAPANTA TALUK,
MANDYA DISTRICT - 571 438.

...APPELLANT

(BY SRI. VIJAY KUMAR T., ADVOCATE)

AND:

1. SRI. MAHESHA,
S/O. SANJEEVA SHETTY,
MAJOR,
R/AT NO. 1518,
CHAMALAPURA STREET,
NANJANAGUDU TALUK,
MYSURU DISTRICT - 571 301.



NC: 2026:KHC:43898
MFA No. 8371 of 2023

CNR: KAHC010667442023

2. THE BRANCH MANAGER,
IFFCO TOKIO GENERAL
INSURANCE CO. LTD.,
NEAR AKSHAYA BHANDAR,
MYSURU - 570 001.
3. SMT. JAYAMMA. C. K.,
W/O. LATE SIDDIAIAH,
AGED ABOUT MAJOR,
R/AT KUDAREGUNDI VILLAGE,
GEJJALAGERE POST,
MADDUR TALUK,
MANDYA DISTRICT - 571 428.
4. SRI. MADEGOWDA,
S/O. SIDDEGOWDA,
AGED MAJOR,
R/AT HEMMIGE VILLAGE,
SUNAGAHALLI POST,
MANDYA TALUK AND
DISTRICT - 571 401.
5. THE MANAGER,
IFFCO TOKIO GENERAL
INSURANCE CO. LTD,
NEAR AKSHAYA BHANDAR,
MYSURU - 570 001.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2,
VIDE ORDER DATED 22.01.2024 NOTICE TO R1, R3,
AND R4 ARE DISPENSED WITH)



CNR: KAHC010667442023

NC: 2026:KHC:43898
MFA No. 8371 of 2023

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED:31.01.2023 PASSED IN MVC NO.125/2018 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL, SRIRANGAPATANA, 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 MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal by the claimant seeking for enhancement of compensation arising out of judgment and award dated 31.01.2023 in MVC.No.125/2018 passed by the Principal Senior Civil Judge and Motor Accident Claim Tribunal, Srirangapatna.

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

3. Heard Sri.Vijay Kumar.T, learned counsel appearing for the appellant and Sri.B.Pradeep, learned



CNR: KAHC010667442023

NC: 2026:KHC:43898
MFA No. 8371 of 2023

counsel appearing for respondent No.2. Vide order dated 22.01.2024, notice to respondent Nos.1, 3 and 4 are dispensed with.

4. Sri.Vijay Kumar, vehemently submits that in the case on hand, the injury resulted in amputation of left hand above elbow joint, which is a scheduled injury as per the Employee Compensation Act, 1923 and resulted in 60% disability. The Tribunal, however has considered 27% i.e., $1/3^{\text{rd}}$ of 80% to particular limb and awarded compensation. Considering the amputation of left upper limb over elbow, the compensation awarded under each head except medical expenses are inadequate and requires re-consideration and sought to allow the appeal.

5. Though Sri.B.Pradeep, though argued in support of the judgment, however he is not in serious dispute with the amputation of left upper limb above elbow of the claimant and he fairly submits that appropriate



CNR: KAHC010667442023

NC: 2026:KHC:43898
MFA No. 8371 of 2023

compensation may be considered, since the amputation is a scheduled injury, as per the Employee's Compensation.

6. Having considered the rival submissions, this Court is of the opinion that, the Tribunal has committed grave error while taking the 1/3rd of 80% in limb disability case of amputation. The amputation above elbow is a scheduled injury as per Schedule II of the Employee's Compensation Act, 1923, which would result in 60% disability. Accordingly, the same is considered.

7. Though the Tribunal has considered the income as well as future prospectus, while awarding future loss of income, however, erred in law in considering 27% as disability to the whole body. Further, the compensation awarded under each head, on perusal, indicate that the same are inadequate and requires re-consideration.

8. Since there is amputation of left upper limb above elbow, the claimant may require artificial limb, considering the market cost of artificial limb. Accordingly,



CNR: KAHC010667442023

NC: 2026:KHC:43898
MFA No. 8371 of 2023

this Court is of the opinion that, if the sum of Rs.1,00,000/- is awarded towards the future medical expenses for artificial limb, the same would meet the ends of justice.

10. Accordingly, this Court proceeds to re-assess the compensation awarded by the Tribunal, which is as under:

Sl. No.	Heads	Compensation awarded by the Tribunal In Rs.	By this Court In Rs.
1.	Towards Pain and Suffering	1,00,000-00	2,00,000-00
2.	Towards Attendant Charges, Transportation and Miscellaneous Expenses	10,000-00	25,000-00
3.	Loss of Amenities and Nutritional Food	10,000-00	-
4.	Towards Loss of future Income	5,38,608-00	11,97,000-00 (9,500+25%x12x14x60%)
5.	Towards Medical expenses	80,214-00	80,214-00
6.	Loss of income during treatment period	28,500-00	57,000-00 (9500x6)
7.	Disappointment, Discomfort, Frustration	50,000-00	-
8.	Loss of Amenities, discomfort and frustration	-	1,50,000-00
9.	future medical expenses for artificial limb		1,00,000-00
	TOTAL	Rs.8,17,322-00 (rounded off to Rs.8,17,500/-)	18,09,214-00



CNR: KAHC010667442023

NC: 2026:KHC:43898
MFA No. 8371 of 2023

11. Accordingly, claimant is entitled for an enhanced compensation of **Rs.9,91,714/-** (Rs.18,09,214 - Rs.8,17,500) rounded off to **Rs.9,92,000/-** which shall carry interest at the rate of 6% per annum from date of petition till realisation.

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

ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 31.01.2023 in MVC.No.125/2018 passed by the Principal Senior Civil Judge and Motor Accident Claim Tribunal, Srirangapatna, is hereby modified and enhanced to **Rs.9,92,000/-**, which shall carry interest at the rate of 6% per annum from date of petition till realisation.
- iii. The entire enhanced compensation along with the accrued interest stated supra shall be deposited by the respondent No.1/Insurer before the concerned Tribunal within 6 weeks from the date of receipt of copy of this order.



CNR: KAHC010667442023

NC: 2026:KHC:43898
MFA No. 8371 of 2023

- iv. Upon deposit, 30% shall be released in favour of the claimant on proper identification and balance 70% shall be invested in any FDR with any nationalized bank for a period of 3 years renewable by another period of 3 years.
- v. Bank shall not permit any loan on the amount without there being any order by the Tribunal/Court.
- vi. The Registry to send back the trial Court record to the concerned Tribunal, without causing any delay.
- vii. No order as to costs.

Sd/-
(T.M.NADAF)
JUDGE

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