HC-KAR

NC: 2026:KHC:23422
M.F.A. No.481/2019
C/W M.F.A. No.482/2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.481/2019 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO.482/2019 (MV-I)

IN M.F.A. No.481/2019:

BETWEEN:

SMT. CHANDRAMMA
W/O LOKESHAPPA
AGED ABOUT 46 YEARS
R/AT OLD AJJAMPURA ROAD
2ND CROSS, BIRUR TOWN
KADUR TALUK, CHIKKAMAGALUR DIST.

...APPELLANT

(BY SRI. RAGHU R, ADV., FOR
SRI. SRIKANTH PATIL K, ADV.,)

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

AND:

1. MOHAMMED NOORULLA
S/O MOHAMMED MUSTHAFA
AGED ABOUT 51 YEARS
R/AT NO.26, INDUSTRIAL
SUB-RUB, 1ST MAIN
1ST CROSS, WATER TANK
GURUGUNTE PALYA
YASHVANTHAPURA
BENGALURU-560022.

2. UNITED INDIA INSURANCE COMPANY LTD.,
BRANCH OFFICE NO.112
1ST FLOOR, 80 FEET ROAD
NEAR CANARA BANK
GEDDALAHALLI, ASHWATHNAGARA
BUS STOP, SANJAYANAGARA
BENGALURU-560094.

…RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADV., FOR R2
V/O/DTD:20.11.2023, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:12.01.2018 PASSED IN MVC NO.72/2012 ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C., MACT, KADUR, CHIKKAMAGALUR DISTRICT, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN M.F.A. NO.482/2019:

BETWEEN:

SRI. LOKESHAPPA
S/O GOVINDAPP
AGED ABOUT 52 YEARS
R/AT OLD AJJAMPURA ROAD
2ND CROSS, BIRUR TOWN
KADUR TALUK, CHIKKAMAGALUR DIST.

...APPELLANT

(BY SRI. RAGHU R, ADV., FOR
SRI. SRIKANTH PATIL K, ADV.,)

AND:

1. MOHAMMED NOORULLA
S/O MOHAMMED MUSTHAFA
AGED ABOUT 51 YEARS,
R/AT NO.26, INDUSTRIAL
SUB-RUB, 1ST MAIN
1ST CROSS, WATER TANK
GURUGUNTE PALYA
YASHVANTHAPURA
BENGALURU-560022.

2. UNITED INDIA INSURANCE COMPANY LTD.,
BRANCH OFFICE NO.112
1ST FLOOR, 80 FEET ROAD
NEAR CANARA BANK
GEDDALAHALLI, ASHWATHNAGARA
BUS STOP SANJAYANAGARA
BENGALURU-560094.

...RESPONDENTS

(BY SRI. B.C. SEETHARAMA RAO, ADV., FOR R2
V/O/DTD:20.11.2023, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12/01/2018, PASSED IN MVC NO.73/2012, ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC., AND MACT, KADUR, CHIKKAMAGALUR DISTRICT, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

These appeals are filed by the injured/claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 12.01.2018 passed in MVC.Nos.73/2012 and 72/2012 by the Senior Civil Judge & JMFC and MACT, Kadur, (for short, 'Tribunal').

2. Heard Sri.Raghu R., learned counsel for Sri.Srikanth Patil K., learned counsel for the appellant-claimant in both the appeals and Sri.B.C.Seetharama Rao, learned counsel appearing for the respondent No.2-Insurance Company in both the appeals.

3. **In MFA No.482/2019 (MVC No.73/2012):**

The appellant-injured i.e., Sri.Lokeshapp, met with a road accident on 08.05.2011 and sustained fracture of left leg tibia and fibula and he was provided treatment at Government Hospital, Birur, for sometime and thereafter at Suchethana Hospital, Davangere and thereafter at

Kasturba Hospital, Manipal. The total duration of the treatment provided to the appellant as inpatient is 68 days. In order to prove the income and disability, the appellant-injured examined himself and also examined CW1, who has assessed the disability at 70% to the lower limb, and the Tribunal assessed the disability at 24%. In my considered view, the assessment of the disability as well as the income by the Tribunal is strictly in consonance with the oral and documentary evidence on record. The Tribunal, considering the oral and documentary evidence, has awarded ₹4,91,542/-. It is to be noticed that the appellant was an inpatient for 68 days and sustained aforesaid fracture and and provided treatment in three different hospitals. The Tribunal has awarded meager compensation under the head of pain and suffering and other heads and it has failed to award any compensation under the head of loss of amenities and loss of income during the laid up period. Hence, I am of the considered view that instead of marginally increasing the

compensation under the aforesaid heads and awarding compensation under the head of loss of income during the laid up period and loss of amenities, it would be just and appropriate to award an additional compensation of ***₹1,60,000/-*** with interest rate of 6% petition annum. Accordingly, an additional compensation of ***₹1,60,000/-*** is awarded to the appellant with interest rate of 6% petition annum in addition to what has been awarded by the Tribunal

4. **In MFA No.481/2019 (MVC No.72/2012):**

The appellant-injured i.e., Smt.Chandramma, met with a road accident on 08.05.2011 and sustained fracture of left leg tibia and fibula. The Tribunal has awarded total compensation ₹2,25,750/- by assessing income at of the appellant at ₹6,000/- per month and disability at 10%. It is to be noticed that the injured herself has been examined and has also examined the doctor as CW2, who has assessed disability to the extent of 15% to the whole body. In the absence of any acceptable evidence, the

income of the appellant is notionally reassessed at ₹6,500/- per month by placing reliance on the notional income chart prepared by KSLSA. On re-appreciation of the evidence of CW2 Doctor, by taking note of the fact that the appellant has sustained a fracture left tibia and fibula and she was inpatient for 41 days, it would be appropriate to assess the disability at 15%. Hence, the appellant is entitled to compensation under the head of loss of future income due to disability as under:

₹6,500 X 12 X 13 X 15% = ***₹1,52,100/-.***

5. Having re-assessed the income and disability and considering the injuries suffered and the treatment provided, I am of the considered view that the compensation awarded under other heads is also required to be enhanced appropriately. Thus, the appellant in MFA No.481/2019 (MVC No.72/2012) would be entitled to modified compensation as under:

HEADS	AMOUNT (in Rs.)
Medical expenses	67,950
Pain and suffering	60,000
Food, nourishment, conveyance and attendant charges	40,000
Loss of future income due to disability	1,52,100
Loss of income during laid up period (Rs.6,500 x 4)	26,000
Loss of amenities in life	60,000
Total	**4,06,050**

Thus, the appellant-claimant in MFA No.481/2019 (MVC No.72/2012) shall be entitled to a total compensation of **₹4,06,050/-** as against ₹2,25,750/- awarded by the Tribunal.

6. In the result, this Court proceeds to pass the following:

ORDER

a) Both the appeals are ***allowed in part***.

b) The impugned judgment and award of the Tribunal in MVC No.73/2012 is modified to an extent that the appellant-claimant would be entitled to an additional

compensation of ***₹1,60,000/-*** in addition to what has been awarded by the Tribunal.

c) The impugned judgment and award of the Tribunal in MVC No.72/2012 is modified to an extent that the appellant-claimant would be entitled to a total compensation of **₹4,06,050/-** as against ₹2,25,750/- awarded by the Tribunal.

d) The additional compensation and enhanced compensation amount in the respective cases shall carry interest at the rate of 6% per annum from the date of petition till the date of payment excluding the interest for the delayed period of 274 days as per the order dated 20.11.2023.

e) The Insurance Company shall deposit the additional compensation as well as enhanced compensation amount with

accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.

f) The entire compensation amount shall be released in favour of the appellant-claimants in both the cases.

g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 19