HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 679 OF 2024 (MV-I)

BETWEEN:

CHANDRASHEKARAIAH
S/O LATE ANKAPPA,
AGED ABOUT 72 YEARS,
RESIDING AT VIBHUTIKERE VILLAGE,
KAILANCHA HOBLI,
RAMANAGARA TALUK AND DISTRICT - 562 159.

...CLAIMANT

(BY SRI. K. SHANTHARAJ, ADVOCATE)

AND:

1. NAGESH H.E.
S/O ERAIAH,
AGED ABOUT 41 YEARS,
RESIDING AT NAGARAKALLUDODDI,
VILLAGE, KUTAGAL HOBLI,
RAMANAGARA TALUK AND DISTRICT - 562 159.

2. THE MANAGER
UNITED INDIA INSURANCE CO. LTD.,
BEHIND KSRTC BUS STAGE,
BESIDE BHARATHI NURSING HOME,
OPP. LIC OFFICE,
RAMANAGARA TALUK AND DISTRICT - 562 159.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE FOR R2;
VIDE ORDER DATED 17.04.2026, NOTICE TO R1
DISPENSED WITH)

Digitally signed by PADMASHREE SHEKHAR DESAI
Location: High Court of Karnataka

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 17.11.2023 PASSED IN MVC NO.55/2022 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE AND CJM, 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 P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the claimant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 17.11.2023 passed in MVC No.55/2022 on the file of the Prl. Senior Civil Judge and CJM and Addl. MACT, Ramanagara, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the claimant and learned counsel for respondent No.2. Vide order dated 17.04.2026 notice to respondent No.1 is

dispensed with. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. Injured claimant met with an accident on 19.01.2022 and filed claim petition claiming compensation of Rs.6,50,000/-. The Tribunal considered the entire evidence on record granted an amount of Rs.4,13,761/- with interest at the rate of 6% per annum from the date of petition till its realization.

4. Aggrieved by the said order, this appeal is filed and mainly contended that the claimant was aged 70 years, doing agriculture and Dairy farming work, earning Rs.25,000/- per month. But the Tribunal has taken his income at Rs.15,500/- per month. He was inpatient for 7 days and spent more than Rs.3,50,000/- towards medical expenses. He examined the doctor as PW.2 and he assessed the disability as 57% to the particular limb. There is malunion of fracture and restriction of the left knee movements with varus deformity. But the Tribunal

has taken the disability as 19% to the whole body, which is on lower side and it is to be modified. The interest is to be granted at the rate of 12% instead of 6%. The amounts granted under the other heads are meagre. Therefore, requested for enhancement of the compensation.

5. Learned counsel of the respondent No.2 stated that the Tribunal has rightly considered the disability at 19% and also granted reasonable amounts under the other heads, which is to be confirmed.

6. Though, it is stated that the claimant was earning Rs.25,000/- per month, he has not filed any income proof. As he met with an accident in the year 2022, this Court finds it reasonable to take his notional income at Rs.15,500/- per month, as per chart preferred by the Karnataka State Legal Service Authority (for short 'KSLSA'). He was aged 70 years and the relevant multiplier is '5'. The petitioner filed Ex.P.2-Wound certificate and Ex.P.7-Discharge summary. The claimant

examined the doctor as PW.2 and he stated that type V tibial condoyle fracture-left knee and he underwent OR IF Plate fixation for his knee and that he was discharged on 25.01.2022, with an advice to come for follow up as an out patient regularly. PW.2 assessed the total disability of the particular limb as 57% and that of the whole body is 19%. The Tribunal has rightly considered the disability at 19%. Accordingly, the 'loss of future earning capacity' comes to Rs **Rs.1,76,700/-** (15,500 x 12 x 5 x 19%). The claimant was admitted in the hospital for period of 7 days. Considering the nature of injuries, the period of hospitalization and other relevant factors, this Court finds it reasonable to award a sum of **Rs.50,000/-** towards 'pain and suffering'. The Tribunal has awarded **Rs.1,11,561/-** towards 'medical expenses', **Rs.40,000/-** towards 'Loss of amenities' and granted **Rs.30,000/-** towards 'Food and nourishment and attendant charges', which are confirmed.

7. The claimant might not have attended any work for a period of three months. Hence, this Court finds it reasonable to award a sum of **Rs.46,500/-** (15,500x3) towards 'loss of income during laid-up period'.

8. Thus, the compensation awarded by this Court is as follows:

Particulars	**Amount in Rs.**
Loss of future earning capacity	1,76,700.00
Pain and suffering	50,000.00
Loss of amenities	40,000.00
Food and nourishment and attendant charges	30,000.00
Medical expense	1,11,561.00
Loss of income during laid up period	46,500.00
Total	**4,54,761.00**

9. Hence, the claimant-claimant is entitled for a total compensation of Rs.4,54,761/- along with interest at the rate of 6% p.a.

10. In the result, the following order is passed:

ORDER

(i) The appeal is ***allowed*** in part.

(ii) The judgment and award dated 17.11.2023 passed in MVC No.55/2022 on the file of the Prl. Senior Civil Judge & CJM and Addl. MACT, Ramanagar, is modified.

(iii) The claimant-appellant is entitled to a sum of **Rs.4,54,761/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.4,13,761/- granted by the Tribunal.

(iv) Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit enhanced compensation of

Rs.41,000/- along with the interest at the rate of 6% within one month from the date of this order.

(v) On such deposit, claimant-appellant is permitted to withdraw the entire amount along with interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE

AMM
List No.: 1 Sl No.: 3