HC-KAR

NC: 2026:KHC:21381
MFA No. 1027 of 2026

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. 1027 OF 2026 (MV-I)

BETWEEN:

MANJUNATHA
S/O KOTRESHAPPA,
NOW AGED ABOUT 34 YEARS,
OCC: COOLIE, NOW NIL,
R/A GUTTUR VILLAGE, HARIHARA TALUK,
NOW R/A 2ND MAIN, 3RD CROSS
AT VINOBHANAGAR, DAVANAGERE.

...APPELLANT

(BY SRI. RAGHU R, ADVOCATE)

AND:

1. VEERENDRA PATIL
S/O NAGANNA GOWDRU,
NOW AGED ABOUT 61 YEARS,
OCC: OWNER OF BUS NO. KA-17-B-0108
MEDAGINAKERE VILLAGE, JAGALURU TALUK,
DAVANGERE DISTRICT - 577 001.

2. THE MANAGER,
IFFCO-TOKIO GEN INS. CO., LTD.,
E.B. EXTENSION, LAWYER ROAD,
DAVANGERE - 577 001.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. P.S. JAGADISH, ADVOCATE FOR R2;
VIDE ORDER DATED 10.02.2026, 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 19.02.2025 PASSED IN MVC NO.386/2022 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, DAVANAGERE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 19.02.2025 passed in MVC No.386/2022 on the file of the Principal Senior Civil Judge and CJM, Davangere, seeking enhancement of the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner/injured claimant met with an accident on 30.09.2021 and filed petition before the Tribunal

for compensation of Rs.15,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.2,02,000/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realization. Being aggrieved by the said order, this appeal is filed and mainly contended that the petitioner/injured was working as a coolie and earning Rs.20,000/- per month. But the Tribunal has assessed his income on the lower side and the amounts awarded under other heads are meagre. The petitioner examined the doctor as PW.2 and he assessed the disability at 40%. The Tribunal erred in taking the same as 10% instead of 13%. It is further contended that a higher rate of interest is to be granted. Therefore, requested for enhancement of the compensation.

4. Though the petitioner stated that he was earning Rs.20,000/- per month, he has not filed any income proof. As he met with an accident in the year 2021, this Court finds it reasonable to take the notional income as Rs.15,000/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 35 years and the relevant multiplier is '16'. The petitioner produced Ex.P.6-wound

certificate and Ex.P.8-discharge summary. The doctor was examined as PW.2 and he issued the disability certificate marked as Ex.P.9. As per the medical evidence, the petitioner sustained proximal end of humerus and fracture of pelvic bone and other injuries. The petitioner complains of difficulty in walking, inability to stand properly, unable to sit cross-legged, difficulty in lifting and in wearing clothes as the pain is moderate to severe and increased on exertion. On examination of the petitioner, the following difficulties are found:

> *"1. Restriction of shoulder joint movement like, flexion, extension, addretion and abductive.*
>
> *2. Restriction of leg movements like flexion, aaduction."*

The doctor assessed the disability at 40%. Therefore, this Court finds it reasonable to take 1/3rd of 40% i.e., 13%, towards functional disability. Accordingly, the loss of future earning capacity comes to **Rs.3,74,400/-** (15,000 × 12 × 16 × 13%). Considering the nature of injuries, period of hospitalization and other relevant factors, this Court finds it reasonable to award **Rs.50,000/-** towards pain and suffering, **Rs.25,000/-** towards loss of amenities and **Rs.30,000/-**

towards transportation, extra nourishment and attendant charges. The petitioner might not have attended to any other work at least for a period of three months. Therefore, a sum of **Rs.45,000/-** (15,000 × 3) is awarded towards loss of income during the laid-up period.

5. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	50,000/-
2.	Towards loss of amenities	25,000/-
3.	Towards transportation, extra nourishment and attendant charges	30,000/-
4.	Towards loss of income during laid up period	45,000/-
5.	Towards loss of future earning capacity	3,74,400/-
	Total	**5,24,400/-**

6. Hence, the appellant-claimant is entitled for a total compensation of Rs.5,24,400/- along with interest at the rate of 6% p.a.

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

ORDER

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

ii. The judgment and award dated 19.02.2025 passed in MVC No.386/2022 on the file of the Principal Senior Civil Judge and CJM, Davangere, is modified.

iii. The claimant is entitled to a sum of **Rs.5,24,400/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.2,02,000/- 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 the enhanced compensation of **Rs.3,22,400/-** along with the interest at the rate of 6% within one month from the date of this order.

v. On such deposit, petitioner is permitted to withdraw the entire amount along with interest accrued on the same.

vi. On 10.02.2026, the delay of 246 days is condoned by this Court on the condition that the claimant will not be entitled for the interest in case of enhancement. Hence, respondent No.2 is not liable to pay the interest for the delayed period.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 65