IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO.2515 OF 2025(MV-I)

BETWEEN:

MASTER. UMESHA K.S.,
S/O SIDDAGANGAIAH,
NOW AGED ABOUT 16 YEARS,
(MINOR REPRESENTED BY HIS
NATURAL GUARDIAN
FATHER BY NAME SIDDAGANGAIAH,
S/O DODDAIAH),
NOW AGED ABOUT 57 YEARS,
R/AT. KODIHALLI VILLAGE,
KOTHAGERE HOBLI,
KUNIGAL TALUK,
TUMKUR DISTRICT - 572 130.

...APPELLANT

(BY SRI. CHANDRASHEKARAIAH B., ADVOCATE)

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

AND:

1. SMT. RAMYA,
   W/O DODDAIAH.K.M,
   MAJOR,
   (AGE OF R-1 NOT KNOW TO APPELLANT),
   R/AT. KODIHALLI VILLAGE,
   KOTHAGERE HOBLI,
   KUNIGAL TALUK,
   TUMKUR DISTRICT - 572 130.

2. UNITED INDIA INSURANCE COMPANY LTD.,
D.O, 6TH FLOOR, KRUSHI BHAVAN,
NRUPATHUNGA ROAD,
HUDSON CIRCLE,
BENGALURU - 560 001.
BY ITS MANAGER.

…RESPONDENTS

(BY SRI.H.C.VRUSHABHENDRAIAH, ADVOCATE FOR R2;
NOTICE TO R1 DISPENSED WITH VIDE ORDER
DATED 15.04.2026)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 22.06.2023 PASSED IN MVC NO.39/2021 ON THE FILE OF THE C/C XII ADDITIONAL SMALL CAUSES JUDGE AND ACMM, MEMBER, MACT, BENGALURU (SCCH-24), 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

Heard the arguments of both sides.

This appeal is filed by the appellant-claimant under Section 173(1) of Motor Vehicles Act, 1988, challenging

the judgment and award dated 22.06.2023 passed in MVC No.39/2021 by the XXII Addl. Judge, Court of Small Causes and Addl. Chief Metropolitan Magistrate and MACT, C/C XXII Addl. SCJ & ACMM, Member-MACT, Bengaluru, (SCCH-24) (for short 'Tribunal)

2. The injured claimant aged 12 years met with an accident on 14.05.2020 and his father as a natural guardian filed the claim petition claiming compensation of Rs.15,00,000/-. Tribunal considering the entire evidence on record granted an amount of Rs.2,05,288/- with interest at the rate of 6% per annum from date of petition till realisation.

3. Being aggrieved by the said Award, he preferred an appeal and mainly contended that petitioner sustained fracture injuries. He was admitted in the hospital as an inpatient for 6 days and advised bed rest for 3 months. He also underwent surgery for removal of implants and admitted in the hospital for 5 days. Doctor

assessed the permanent physical disability as 20% and whole body disability as 10%. Tribunal granted meager amounts under the other heads. The petitioner injured was a student aged 12 years and was studying in 8th class. The Tribunal relying upon Master Mallikarjuna's case granted Rs.1,00,000/- towards disability and also granted Rs.50,000/- towards medical expenses which is on lower side and therefore requested for enhancement of the compensation.

4. The learned counsel of the respondent stated that as per the medical evidence, Tribunal rightly granted reasonable amounts and it is to be confirmed. He further stated that fractures are united and treated doctor has not been examined. He has already underwent surgery for implant removal, therefore, the tribunal already granted reasonable amount and it is to be confirmed.

5. Petitioner filed Exhibit P5 wound certificate and Exhibit P8 and Exhibit P9 discharge summaries. Apart from

prescriptions and bills the petitioner injured examined the Doctor P.W.2 who is an Orthopaedic Surgeon, he stated that petitioner sustained fracture of femur later underwent treatment for implant removal. He complained of pain in Left thigh difficulty to squat on floor, climb upstairs, walk on slope, kneel, sit cross legged. The Radiological examination shows facture femur united. In the cross examination, the doctor has admitted that he has not treated the petitioner. The petitioner was a minor and there will be more growth potential when compared to others. As a petitioner met with an accident in the year 2020, and this Court finds it reasonable to consider the notional income as Rs.14,500/- per month and he was aged 12 years, and the relevant multiplier is to be taken as '15'. It is stated that petitioner suffered permanent physical disability of 20% to left lower limb and the whole body disability is stated as 10%. Accordingly, loss of future earning capacity comes **Rs.2,61,000/-** (14,500 x 12 x 15 x 10%).

6. The Tribunal granted Rs.50,288/- towards medical expenses and it is confirmed. Considering his age and the fact that fractures are united, period of hospitalisation and also the fact that there was removal of implant, this Court finds it reasonable to grant Rs. 50,000/- towards pain and sufferings, Rs.30,000/- for loss of amenities and Rs.40,000/- for transportation extra nourishment and attendant charges. He was admitted in the hospital for 11 days and his parents might have taken care of him at least for a period of 2 months. Therefore, this court finds it reasonable to grant an amount of Rs.29,000/- towards loss of income to the parents during treatment period.

7. 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 future earning capacity	2,61,000/-
3.	Towards medical expenses	50,288/-
4.	Towards loss of amenities	30,000/-
5.	Towards transportation, extra nourishment and attendant charges	40,000/-
6.	Towards loss of income for parents during treatment period	29,000/-
	Total	**4,60,288/-**

8. Hence, the appellant-claimant is entitled for a total compensation of **Rs.4,60,288/-** along with interest at the rate of 6% p.a.

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

ORDER

i. Appeal is ***allowed*** in part.

ii. The judgment and award dated 22.06.2023 passed in MVC No.39/2021 on the file of the XXII Addl. Judge, Court of Small Causes and Addl. Chief Metropolitan Magistrate and MACT, C/C XXII Addl. SCJ & ACMM, Member-MACT, Bengaluru, (SCCH-24) is modified.

iii. The claimant is entitled to a sum of **Rs. 4,60,288/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.2,05,288/- granted by the Tribunal.

iv. The respondent No.2 Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to deposit the enhanced compensation of **Rs.2,55,000/-** along with

the interest at the rate of 6% within one month from the date of this order.

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

vi. Claimant is not entitled for interest for a delayed period of 560 days as per I.A.No.1/2025 vide order dated 15.04.2026.

Sd/-
(P SREE SUDHA)
JUDGE

HR
List No.: 1 Sl No.: 15