HC-KAR

NC: 2026:KHC:21713
M.F.A. No.10149/2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.10149/2018 (MV-I)

BETWEEN:

SRINIVASA .T
S/O THIMMAPPA
AGED ABOUT 30 YEARS
R/AT ARALIKEREDODDI
MARALAVADO HOBLI
GUTTALAHUNASE POST
KANAKAPURA TALUK
RAMANAGARA DT.,

...APPELLANT

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

(BY SRI. SHRIPAD V. SHASTRI, ADV.,)

AND:

1. THE KARNATAKA GOVERNMENT
   INSURANCE DEPARTMENT
   VIDHANA SOUDHA.

2. THE CHIEF OFFICER TOWN MUNICIPAL
   COUNCIL, KANAKAPURA TALUK
   RAMANAGARA DT.,

...RESPONDENTS

(BY SRI. RAHUL RAI K, HCGP FOR R1
R2 SERVICE OF NOTICE IS D/W V/C/O DTD:31.07.2024)

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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:11.06.2018 PASSED IN MVC NO.345/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE, MACT, KANAKAPURA, PARTLY ALLOWING THE CLAIM PETITION

FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

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

ORAL JUDGMENT

This appeal is filed by the injured claimant challenging the judgment and award dated 11.06.2018 passed in M.V.C.No.345/2014 by the Senior Civil Judge and Motor Accident Claims Tribunal, Kanakapura (for short, 'the Tribunal).

2. Heard Sri.Shripad V.Shastri, learned counsel for the appellant and Sri.Rahul Rai K., learned High Court Government Pleader for the respondent No.1.

3. This appeal is filed seeking for higher compensation mainly on the grounds that the assessment of income of the claimant is on the lower side, award of compensation on other heads is very meagre and no compensation is awarded under the head of loss of amenities. It is to be noticed that the appellant met with a

road accident on 13.05.2014 and sustained right tibia comminuted fracture which is evident from Ex.P9 as well as the oral evidence of PW-2 - Dr.K.K.Prashanth.

4. Considering the nature of injuries suffered by the claimant and keeping in mind the fact that the injured was an inpatient for a period of 10 days, has undergone surgery and implants were inserted, the compensation is required to be enhanced appropriately by re-assessing the income of the claimant and by awarding compensation towards loss of amenities. Admittedly, the appellant has orally stated with regard to the income, however, no proof of income is produced. Hence, his income is notionally re-assessed at Rs.8,500/- placing reliance on the notional income chart prepared by Karnataka State Legal Services Authority. Considering the age of the claimant at time of accident at 26 years, the correct multiplier would be 17. Thus, the compensation awarded by the Tribunal is re-assessed as under:

HEADS	AMOUNT (in Rs.)
Pain and suffering	45,000
Medical expenses	1,29,800
Loss of income due to disability (8,500 x 12 x 17 x 10%)	1,73,400
Loss of income during laid up period (8,500 x 3)	25,500
Loss of amenities	45,000
Food, nourishment, attendant charges and conveyance	25,000
Future medical expenses	10,000
Total	**4,53,700**

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.4,53,700/-** as against Rs.3,12,200/- awarded by the Tribunal.

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

ORDER

a) The appeal is ***allowed in part***.

b) The impugned judgment and award dated 11.06.2018 passed by the Tribunal in MVC No. 345/2014 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.4,53,700/-** as against Rs.3,12,200/- awarded by the Tribunal.

c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realization.

d) The respondent-Insurance Company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of the certified copy of this judgment.

e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.

Draw the modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 24