NC: 2026:KHC:15019
MFA No. 4945 of 2024

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 4945 OF 2024 (MV-I)

BETWEEN:

1. RANGAIAH
   S/O LATE RANGAIAH
   AGED ABOUT 50 YEARS,
   R/AT VADDARAHALLI VILLAGE,
   DODDAMAGGE HOBLI,
   ARAKALAGUD TALUK,
   HASSAN DISTRICT 573 102.

…APPELLANT

(BY SRI. VIJAY KUMAR T,ADVOCATE)

AND:

1. UNITED INDIA INSURANCE
   CO LTD.,CHENNAI,
   REP BY ITS MANAGER,
   UNITED INDIA INSURANCE CO.LTD.,
   2nd FLOOR, VENKATESHWARA BUILDING,
   B M ROAD,HASSAN TOWN-573 201.
2. SUNITHA
   W/O NAGARAJ,
   OCC. GOVT. OFFICIAL
   R/AT NO.143, 29 E BLOCK,
   PANDESHWARA POLICE LINE,
   MANGALURU -575 001.

…RESPONDENTS

(BY SRI. S V HEGDE MULKHAND,ADVOCATE FOR R1;
V/O. DTD. 16.09.2025, NOTICE TO R2 DISPENSED WITH)

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.30.04.2024 PASSED IN MVC NO.514/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER, MACT, ARAKALAGUD, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is preferred by the appellant-appellant/claimant against the award dated 30.04.2024 passed in MVC No.514/2022 by the Senior Civil Judge and Motor Accident Claims Tribunal, Arakalagud [for short 'Tribunal'] claiming enhancement of compensation.

2. The appellant/claimant Rangaiah met with an accident on 15.12.2021 and filed claim petition claiming compensation of Rs.10,00,000/- along with interest at the rate of 18% p.a. towards injuries sustained by him. The Tribunal considering the evidence on record granted compensation of ₹5,63,300/- along with interest at 6% p.a. from the date of petition till the date of deposit of the amount in the Tribunal. Aggrieved by the said order, this

instant appeal is preferred in which, he mainly contended that the Tribunal has granted very meager compensation under the heads such as 'pain and suffering', 'loss of amenities', attendant, nourishment, conveyance and transportation charges and 'loss of income during laid up period'. The appellant/claimant took treatment for a period of 20 days.

3. Further, it is contended that the Tribunal erred in considering the disability at 25% instead of 75% as against the evidence of CW.1-doctor and also without considering the nature of injury that is, paraplegia for which 1/3rd of the disability cannot be taken towards whole body. In this context , he relied upon the judgment of the Hon'ble Apex Court in the case of ***Jithendran vs. New India Assurance Co.Ltd., reported in LAWS(SC) 2021 1075***,wherein it is held that the impact on the earning capacity for the appellant/claimant by virtue of his 69% disability must not be measured as a proportionate loss of his earning capacity. The earning life for the appellant is

over and as such his income loss has to be quantified as 100% and there is no other way to assess the earning loss since the appellant is incapacitated for lie and is confined to home. In such scenarios, the loss of earning capacity of the appellant/claimant must be considered as 100% and 40% is to be added towards future prospects.

4. Learned counsel also relied upon the decision rendered by the Division Bench of this Court in MFA No.10387/2016 c/w. MFA No.103885/2016 wherein, it is held that if the whole body disability to the extent of 20% which ultimately has a bearing on the reduced earning capacity, then future prospects has to be awarded. In the instant case, the appellant/claimant is aged 48 years at the time of accident and the doctor has opined 75% disability to the whole body. As such, the appellant/claimant is entitled for 25% of the future prospects considering the nature of injuries and disability by implementing rulings of the Hon'ble Apex Court.

Therefore, learned counsel requested for enhancement of compensation.

5. On contrary, learned counsel for respondents submits that after discharge, the appellant/claimant was again subjected to X-ray which reveals that the fractured bones appear to have united with a slight malalignment and the Tribunal has rightly considered the aspect of disability and hence, it requires no interference by this Court. He further contends that insofar as compensation granted under other heads by the Tribunal has to be confirmed and prays to dismiss the appeal.

6. Heard the arguments advanced by the learned counsel for appellant and learned counsel for respondent No.1.

7. The appellant is doing agriculture work along with animal husbandry and earning Rs.25,000/- per month, but he has not produced the income proof. As the petitioner was met with an accident in the year 2021, his

notional income is to be taken as ₹15,000/- per month as per the chart prepared by Karnataka State Legal Services Authority and the appellant was aged 48 years as per Aadhar Card at Ex.R1. Therefore, the appropriate multiplier is '13'. Further, the appellant/claimant sustained the following injuries as per wound certificate at Ex.P4, pain tenderness over into spine (D9-D10) vertebral fracture of dislocation with paraplegia which is grievous in nature and as per the X-ray D11 and D12 vertebra fracture. Further, the appellant has examined doctor as CW.1 to prove his physical disability wherein, the doctor has stated that the appellant/claimant would always have pain in both legs, difficult to walk etc. and opined that there is 75% disability. Further, the appellant/claimant has examined one Dr. Sahana Shetty, Orthopedic surgeon wherein the appellant/claimant was subject to x-ray examination in which it is revealed that fracture and dislocation of D9-D10 vertebrae, resulting in loss of control/sensation in the legs and a surgical procedure was performed on the spinal column and plates were inserted.

The injured had no control over both legs, and they were slightly wasted (atrophied). It also reveals that the presence of the plates and screws previously inserted into the spinal bone and indicates a reduction in the intervertebral space between two vertebrae.

8. It also reveals that due to loss of control/paralysis in both lower limbs, the injured is unable to perform daily activities without the assistance of an attendant and the patient requires the assistance of a wheel chair for mobility from one place to another and it is required to clean/change the urinary catheterization tap periodically, particularly once in every 15 days. The appellant/claimant remained as inpatient for 21 days. As such the doctor assessed the disability at 75% based on the clinical findings and guidelines issued by the Central Government for evaluation of various disabilities. Therefore, this Court finds it is just and reasonable to take disability as 75% instead of 25% which is granted by the Tribunal. Further, the appellant/claimant is also entitled

for future prospects. Accordingly, loss of future earning capacity comes to **Rs.21,93,750/-** (15,000+25%x12x13x75%).

9. Further, the Tribunal has granted Rs.11,300/- towards medical expenses as per Exhibit P7 to Exhibit P17 and it needs no interference. The petitioner was hospitalized for a period of 20 days. Considering the nature of injuries, his occupation, hospitalization and other relevant factors, this Court finds it reasonable to grant an amount of Rs.60,000/- towards pain and suffering, Rs.30,000/- towards loss of amenities and Rs.40,000/- for transportation, extra nourishment and attendant charges. Further, the appellant might not have attended any other work at least for a period of 4 months. As such, the compensation under the head income during laid up period comes to Rs.60,000/- (15,000 x4).

10. Thus in all, components awarded by this Court are as below,

Particulars	Amount in Rs.
Loss of future earning	21,93,750.00
Medical expenses	11,300.00
Pain and suffering	60,000.00
Loss of amenities	30,000.00
Transportation, special diet and attendant charges	40,000.00
Loss of income during laid up period	60,000.00
Total	**23,95,050 .00**

11. Compensation is enhanced from Rs.5,63,300/- to ₹23,95,050/- and the enhanced compensation is ₹**18,31,750/-,** which carries interest at the rate of 6% per annum. Further, the insurance company has already deposited the award amount before the Tribunal.

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

ORDER

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

ii. The judgment and award dated 30.04.2024 passed in MVC No.514/2022, by the Court of Senior Civil Judge and

Motor Accident Claims Tribunal, Arakalgud, is modified;

iii. Respondent No.1 is directed to deposit the enhanced compensation of Rs.18,31,750/- with interest at the rate of 6% per annum within one month from the date of this order and

iv. on such deposit, appellant/claimant is permitted to withdraw the entire compensation with interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

SSD
List No.: 1 Sl No.: 65