NC: 2026:KHC:22406
MFA No. 5266 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5266 OF 2025 (MV-I)

BETWEEN:

KAREEM M
S/O PAKEER SAHEB M.P.
AGED ABOUT 57 YEARS
R/AT NAPOKLU VILLAGE,
MADIKERI TALUK, KODAGU DISTRICT - 571 214.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADVOCATE)

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

AND:

1. KRISHNA GOPAL RAJANALA
S/O AADINARAYANA RAJANALA
AGED ABOUT 37 YEARS
R/AT 851, B 1ST LANE,
AGOSTINI, MARYADO SANT CRUZ
THISWADI, NORTH GOA - 403 005.

2. THE MANAGER,
NEW INDIA ASSURANCE CO. LTD.,
NO.876/C, 2ND FLOOR,
OPP. LAKSHMIPURAM POLICE STATION,
JLB ROAD, LAKSHMIPURAM,
MYSURU - 570 004.

…RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 23.04.2026, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.08.04.2025 PASSED IN MVC NO.2127/2023 ON THE FILE OF THE JUDGE, ADDITIONAL COURT OF SMALL CAUSES, MACT, MYSURU, 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

Heard the arguments of both sides.

2. This appeal is filed against the award of the tribunal in M.V.C. No.2127/2023 dated 08.04.2025. Injured/claimant met with an accident on 24.10.2023 and filed claim petition claiming compensation of Rs.35,00,000/-. Tribunal considering the entire evidence on record granted an amount of Rs.9,95,800/- with interest at the rate of 6% per annum from the date of petition till realization.

3. Aggrieved by the said order, he preferred an appeal and mainly contended that the petitioner was doing bar bending work and was earning Rs.20,000/- per month. He was inpatient for a period of 19 days. But the tribunal granted meager amount with interest at the rate of 6%. The doctor assessed the disability as 46% to the limb. But the tribunal has taken only 15% and the amounts granted

under the other heads are meager. Therefore, requested for enhancement of compensation.

4. Learned counsel for the respondents submits that the tribunal has rightly considered the disability as 1/3rd of 46% and the amounts granted under other heads are also just and reasonable. Therefore, it is to be confirmed. Though 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 2023 tribunal has rightly considered his notional income as Rs.16,000/- per month and it is confirmed. He was aged 55 years and the relevant multiplier is '11'. He filed Ex.P-7-wound certificate and Ex.P9 Discharge summary and also examined the Doctor as PW-2.

5. The petitioner examined Doctor as PW-2 and he stated that, the petitioner was complaining of not able to walk without support, stand on one leg, difficulty in climbing stairs and pain in right thigh. On examination he

was found that, delayed union fracture femur with implant insitu and healed fracture found difficulty in standing on affected leg, climbing stairs and getting down and squatting and he has assessed the disability of the petitioner has 46% to the right lower limb.

6. The learned counsel for the appellate contended that he was a bar bender. Therefore, the disability is to be taken on higher side.

7. As per the medical evidence, petitioner sustained 46% to the lower limb and tribunal has rightly considered 1/3rd of the same as 15% and this Court finds no reason to interfere with the said order. Therefore, the loss of future earning capacity comes to Rs.3,16,800/- (15,000x12x11x15%). The Tribunal has granted Rs.3,88,000/- as per Ex. P10, P15, P16 and P20 for medical expenses and the said amount is confirmed. Tribunal also considered all the relevant facts and granted

reasonable amounts under the other heads and thus granted total compensation of Rs.9,95,800/-.

8. This Court finds no reason to interfere with the order.

9. In the result I pass the following:-

ORDER

i. Appeal is dismissed confirming the order of the tribunal.

ii. The Insurance Company has already deposited the amount and claimants are permitted to withdraw the said amount.

Sd/-
(P SREE SUDHA)
JUDGE

VS
List No.: 1 Sl No.: 56