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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. 7885 OF 2018 (MV-I)

BETWEEN:

SMT. JYOTHI M.R,
W/O SATHISH,
R/AT NO.59/1,KEERANAGERE VILLAGE,
MARALWADI HOBLI, KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 571 511.

...APPELLANT

(BY SRI. K.S. ANANDA, ADVOCATE FOR
SRI. GIRISHA H.M, ADVOCATE)

AND:

1. THE MANAGER
RELIANCE GENERAL INSURANCE CO.LTD.,
NO.3, 1ST FLOOR,
MANANDI PLAZA, ST.MARKS ROAD,
BESIDE ST. MARKS HOTEL,
BENGALURU - 560 001.

2. D. PURUSHOTHAM
S/O LATE DORAI SOMACHAR,
NO.129, GURUKRUPA NILAYA,
BODDIKERE ROAD, KANAKAPURA TALUK,
RAMANAGARA DISTRICT.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL, ADVOCATE FOR R1;
VIDE ORDER DATED 13.06.2025, NOTICE TO R2 IS
DISPENESD 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 DATED 28.06.2018 PASSED IN MVC NO.468/2016 ON THE FILE OF THE I ADDITIONAL SMALL CAUSES JUDGE & MACT BENGALURU[SCCH-11] 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 MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the injured claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 28.06.2018 passed in MVC No.468/2016 by the M.A.C.T., Bengaluru (SCCH-11) (for short, 'Tribunal').

2. Though this appeal is listed for admission, with consent of the learned counsel for the parties, it is taken up for final disposal.

3. Heard Sri. K.S.Ananda for Sri. Girisha H.M., learned counsel for the appellant and Sri. Ashok N. Patil, learned counsel for respondent No.1.

4. This appeal is filed by the injured-claimant mainly on the ground that the assessment of income as well as the disability by the Tribunal is contrary to the evidence on record. It is contended that the Tribunal has awarded meager compensation on all other heads by incorrectly appreciating the oral and documentary evidence on record.

5. It is to be noticed that the appellant is a home maker, aged about 28 years at the time of accident and she used to assist her husband in his cocoon business. However, the appellant has not produced any evidence with regard to the income. Hence, her income is notionally assessed at Rs.9,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. PW.4 has deposed before the Tribunal with regard to the

treatment provided to the appellant and disability suffered. A perusal of the oral evidence of PW.4 and Exhibit.P7-wound certificate indicate that the appellant has sustained posterior fracture dislocation of right hip. She was provided treatment at Sagar Hospital, Bengaluru for a period of 10 days as inpatient and thereafter, as outpatient. The doctor has assessed the disability at 10% to the whole body. Considering the nature of injury suffered and taking note of the treatment provided, I am of the considered view that it would be appropriate to assess the disability at 8% to the whole body for the purpose of determination of compensation.

6. Having re-assessed the income, disability and taking note of the fact that the appellant was inpatient for a period of nearly 10 days and provided treatment to hip, I am of the considered view that the compensation on all other heads are required to be enhanced appropriately by considering the oral and documentary evidence on record

and having perused the evidence on record, the compensation is re-assessed as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	45,000.00
Medical bills	1,75,217.00
Loss of income during laid up period (Rs.9,000 x 4 months)	36,000.00
Loss of future income due to disability (Rs.9,000 x 12 x 17 x 8%)	1,46,880.00
Loss of amenities	45,000.00
Food, nourishment and attendant charges	25,000.00
Total	**4,73,097.00**

7. Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.4,73,097/-** as against Rs.2,82,201/- awarded by the Tribunal.

8. 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 28.06.2018 passed by the Tribunal in M.V.C.No.468/2016 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.4,73,097/-** as against Rs.2,82,201/- awarded by the Tribunal.

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

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.

f) Registry shall transmit the records to the Tribunal forthwith.

g) Draw modified award accordingly.

Sri. Ashok N. Patil, learned counsel is permitted to file *vakalath* within 3 weeks.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

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List No.: 1 Sl No.: 5