**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21ST DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**MISCELLANEOUS FIRST APPEAL NO. 5882 OF 2024 (MV-I)**

**BETWEEN:**

V.C. VENKATESH MURTHY
S/O CHINNATHIMMAIAH
AGED ABOUT 53 YEARS
R/AT NO.47, 1ST CROSS
8TH MAIN, BHUVANESHWARI NAGARA
T. DASARAHALLI, BENGALURU - 560 057.

...APPELLANT

(BY SRI. K.V. NAIK, ADVOCATE)

**AND:**

1. KRISHNAPPA M.C
S/O CHIKKARANGAIAH, MAJOR
R/AT SITE NO.47, 4TH CROSS
SAPTHAGIRI LAYOUT
NAGASANDRA POST,
BENGALURU - 560 073.

2. THE REGIONAL MANAGER
UNITED INDIA INS.CO.LTD.,
REGIONAL OFFICE, 5TH FLOOR
KRUSHI BHAVAN, HUDSON CIRCLE
BENGALURU.
(OMNI CAR BEARING REG.
NO. NO. KA-05-MC-1821
POLICY NO. 0723813122P112599814
VALIDITY FROM 02-03-2024 TO 01-03-2024)

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

…RESPONDENTS

(BY SRI. S. KRISHNA KISHORE, ADVOCATE FOR R2;
VIDE ORDER DATED 21.04.2026, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.20.07.2024 PASSED IN MVC NO.3362/2023 ON THE FILE OF THE II ADDITIONAL JUDGE AND ACJM, COURT OF SMALL CAUSES, MACT, BENGALURU, (SCCH-13), 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.

2. This appeal is filed by the appellant under Section 173(1) of Motor Vehicles Act, 1988, challenging the judgment and award dated 20.07.2024 passed in MVC No.3362/2023 by the II Additional Judge and ACJM, Member, MACT, Court of Small Causes at Bengaluru

(SCCH-13) (for short, 'the Tribunal') seeking enhancement of compensation.

3. The injured claimant met with an accident on 20.05.2023 and filed a claim petition claiming compensation of Rs.20,00,000/-. The Tribunal, after considering the entire evidence on record granted an amount of Rs.5,49,462/- with interest at 6% per annum from the date of petition till realisation.

4. Aggrieved by the said order, the appellant has preferred this appeal, contending that he suffered grievous fracture injuries. He was admitted in the hospital as inpatient for 6 days. The Tribunal has awarded meager amounts under various heads.

5. The doctor assessed the disability of the right lower limb at 52% and whole-body disability at 17%. However, the Tribunal has taken the same at 15%. The income was also taken on the lower side at Rs.16,000/- per month. It is further contended that the appellant requires another surgery for removal of implants, the

estimated cost of which is Rs.60,000/-. It is also submitted that interest ought to be granted at a higher rate. Therefore, requested for enhancement of compensation.

6. Learned counsel for the respondent submitted that the appellant sustained only one fracture, which has united. Therefore, the Tribunal rightly considered the disability at 15% and granted reasonable compensation under the other heads. Hence, it needs no interference.

7. Though the appellant stated that he was aged 52 years, working as a carpenter and earning Rs.1,000/- per month, he has not produced any proof of income. As the accident occurred in the year 2023, the Tribunal has rightly considered the notional income as Rs.16,000/- per month as per the chart preferred by the Karnataka State Legal Services Authority. The appellant was aged 52 years and the applicable multiplier is '11'.

8. The appellant has produced Ex.P7-wound certificate and Ex.P9-discharge summary and has examined the doctor as PW.2, who is an Orthopaedic

Surgeon. He deposed that the appellant sustained a comminuted subtrochanteric fracture of the right femur with CLW over the head and chin. The appellant was treated with CRIF with PFN for the right femur on 20.05.2023 and was later discharged on 25.05.2023. He was on regular follow-up, and the fracture has united. The appellant complains of pain in the right hip, inability to squat or sit cross-legged, and requires support of a stick to walk. He walks with a stick and has restricted right hip movements with wasting of the right gluteal and thigh muscles. Recent X-ray shows a united fracture with implant in situ. The doctor stated that there is shortening of half an inch and assessed the disability of the right lower limb at 52% and whole-body disability at 17%. He further stated that the appellant requires another surgery for removal of implants, estimating the cost at Rs.60,000/-.

9. In cross-examination, he admitted that he is not the treated doctor and assessed the disability based on

the wound certificate and discharge summary. He further stated that the fracture has united and that he has not assessed the functional disability with reference to the appellant's avocation. He also stated that there may be variation in disability after removal of the implant.

10. Considering the medical evidence on record, this Court finds it reasonable to take the disability at 17% (one-third of 52%) instead of 15%. Therefore, the loss of future earning capacity comes to Rs.16,000/- x 12 x 11 x 17% = Rs.3,59,040/-.

11. The appellant incurred Rs.98,662/- towards medical expenses, which has already been granted by the Tribunal.

12. The appellant was hospitalised for a period of 6 days. Considering the nature of injuries, period of hospitalisation, and other relevant factors, this Court finds it just and reasonable to grant Rs.75,000/- towards pain and suffering, Rs.40,000/- towards loss of amenities, and

Rs.40,000/- towards transportation, extra nourishment, and attendant charges.

13. The appellant might not have attended any other work at least for a period of four month. Therefore, Rs.64,000/- (16,000 X 4) is awarded towards loss of income during the laid-up period.

14. Based on the medical evidence on record, the appellant is entitled to Rs.40,000/- towards future medical expenses.

15. Thus, the compensation awarded by this Court is as follows:

| **Particulars** | **Amount in Rs.** |
|---|---|
| Loss of future earning capacity | 3,59,040.00 |
| Pain and suffering | 75,000.00 |
| Loss of amenities | 40,000.00 |
| Transportation, extra nourishment and attendant charges | 40,000.00 |
| Medical expenses | 98,662.00 |
| Loss of income during laid up period | 64,000.00 |
| Future medical expenses | 40,000.00 |
| **Total** | **7,16,702.00** |

16. The appellant/claimant is entitled to a total compensation of Rs.7,16,702/- as against Rs.5,49,462/- awarded by the Tribunal. The enhanced compensation works out to Rs.1,67,240/-. To this extent, the award passed by the Tribunal is modified.

17. In the result, pass the following:

**ORDER**

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

ii. The judgment and award dated 20.07.2024 passed in MVC No.3362/2023 by the II Additional Judge and ACJM, Member, MACT, Court of Small Causes at Bengaluru (SCCH-13), is hereby modified;

iii. The appellant-claimant is entitled to enhanced compensation of Rs.1,67,240/- with interest at the rate of 6% per annum from the date of petition till its realization.

iv. Respondent No.2/Insurance Company has already deposited the awarded amount

before the Tribunal. Therefore, Insurance Company is directed to deposit enhanced compensation of Rs.1,67,240/- with interest rate of 6% within one month from the date of this order.

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

**Sd/-**
**(P SREE SUDHA)**
**JUDGE**

TMP
List No.: 1 Sl No.: 8