IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 5971 OF 2025 (MV-I)

BETWEEN:

SMT. JAYALAKSHMI M
W/O J.H. MAHANTHESH,
AGED ABOUT 43 YEARS,
PVT SERVICE, AT PRESENT NO WORK,
R/A BELAVANURU VILLAGE,
DAVANAGERE TALUK AND DISTRICT

...APPELLANT

(BY SRI. RAGHU R., ADVOCATE)

AND:

1. SRI NAGARAJ B S
   S/O SHANKARAPPA,
   NOW AGED ABOUT 62 YEARS,
   DRIVER AND OWNER OF AUTO-RIKSHAW
   NO. KA-17-C-6843,
   R/A NEAR ANJANEYA TEMPLE,
   NITTUVALLI, CHIKKANAHALLI NEW LAYOUT,
   DAVANAGERE-577 004.

2. THE DIVISIONAL MANAGER,
   NATIONAL INS. CO., LTD.,
   SHIVANARADAMUNI PALZA,
   2ND FLOOR, DENTAL COLLEGE ROAD,
   MCC 'B' BLOCK, DAVANAGERE.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY., ADVOCATE FOR R2,
V/O DATED 12.11.2025, NOTICE TO R1 IS D/W)

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

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 14.02.2025 PASSED IN MVC NO. 89/2024 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND ADDITIONAL MACT-VI, DAVANAGERE, 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 filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 14.02.2025 passed in MVC No. 89/2024 on the file of the II Additional Senior Civil Judge and Additional MACT-VI, Davanagere, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. The injured claimant met with accident on 27.08.2023 and filed claim petition, claiming compensation

of Rs.50 lakhs. The Tribunal considered the entire evidence on record and granted an amount of Rs.9,40,919/- with interest at the rate of 6% per annum from the date of petition till realisation.

4. Aggrieved by the said award petitioner filed this appeal and mainly contended that the petitioner was working as a labour in Chips Factory and earning Rs.30,000/- per month and it is further stated that they have examined the doctor and doctor assessed the disability as 66% but the tribunal has taken only 22%. The amounts granted by the tribunal under the other heads are meager and therefore requested for enhancement of the compensations.

5. Though petitioner stated that she was earning Rs.30,000/- per month. She has not filed any income proof. As she met with an accident in the year 2023, this court finds it reasonable to take the notional income as Rs.16,000/- per month as per the chart prepared by KSLSA. She was aged 42 years and the relevant multiplier

is '14'. She filed Ex.P7/Wound certificate and Ex.P10/Discharge summary. She also examined doctor as PW2 and issued disability certificate under Ex.P9 and discharge summary as per Exs.P10 and P11. He is an Orthopedic Surgeon and he stated that the petitioner sustained following injuries,

> *Acatabular fracture left with neurovascular deficit with displacement. Lacerated would over left knee 8 X 2 cms. She underwent treatment in the form of plates screws for anterior column. After discharge she was following with concerned surgeon and with us on outpatient basis. Now she is suffering difficulty in walking, walking on slope, squatting, to climbing stairs, difficulty in lifting heavy and also complains of pain in left hip which is moderate to severe. Movements of left hip, flexion, extension, adduction, abduction, are painful. OE: 1) Tenderness present over left actabular area Movements of hip joint is painful and X-ray shows implant in situ with mail union callulos formation and shortening.* He opined*: Restriction of the left hip joint movement combing values of mobility and staircase.*

The tribunal rightly calculated disability i.e., 1/3rd of 66% comes to 22% and it is confirmed. Therefore, as the disability is more than 20% the petitioner is entitled for

22% of future prospects. As the injured was aged 42 years, she is entitled for 25% towards future prospects as per the citation in ***New India Assurance Company Limited Vs. Abdul, son of Mehaboob Tahasildar and Others*** (M.F.A. No.103807/2016 c/w. M.F.A. No.103835/2016 decided on 27.05.2022). Hence, the loss of future earning capacity comes to Rs.16,000 + 25% x 12 x 14 x 22% = **Rs.7,39,200**/-. The Tribunal granted **Rs.1,68,039/-** towards medical expenses and the said amount is confirmed. She was admitted in the hospital for a period of 10 days, therefore, considering her age, and the fact that there is shortening of limb and malunion of the fractures and other relevant factors, this Court finds it reasonable to pay the amount of **Rs.1,00,000/-** towards pain and suffering, **Rs.60,000/-** towards loss of amenities, **Rs.60,000/-** towards transportation, extra nourishment and attendant charges. The petitioner might not have attended any other work for a period of 5 months. Therefore, Rs. 16,000 x 5 = **Rs.80,000/-** is

granted under that head loss of income during laid up period.

6. Thus in all, components awarded by this court are as below,

Sl.Nos.	Particulars	Amount in Rs.
1	Loss of future income	7,39,200
2	Pain and suffering	1,00,000
3	Loss of amenities	60,000
4	Transportation, extra nourishment and attendant charges.	60,000
5	Loss of income during laid down period	80,000
6	Medical bills	1,68,039
	Total	**12,07,239**

Hence, the compensation granted by tribunal is enhanced from Rs.9,40,919/- to **Rs.12,07,239**/- along with interest at the rate of 6% p.a.

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

ORDER

i. Appeal is ***allowed*** in part.

ii. The judgment and award dated 14.02.2025 passed in MVC No.89/2024 on the file of the II Additional Senior Civil Judge and Additional MACT-VI, Davanagere, is modified.

iii. The claimant is entitled to a sum of **Rs.12,07,239/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.9,40,919/- granted by the tribunal.

iv. Respondent/Insurance Company has already deposited the awarded amount before the tribunal. Therefore, respondent/Insurance Company is directed to deposit the enhanced compensation of **Rs.2,66,320/-** along with the interest at the rate of 6% within one month from the date of this order.

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

Sd/-
(P SREE SUDHA)
JUDGE

AKV
CT:NR
List No.: 1 Sl No.: 77