HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 6725 OF 2024 (MV-I)

BETWEEN:

KAVYA B S
D/O. B.M.SHIVA SHETTY,
NOW AGED ABOUT 31 YEARS,
RESIDING AT NO. 63,
SRIRANGA NILAYA,
MARUTHI NILAYA,
BSK 6TH STAGE, 4TH BLOCK,
CHIKKEGOWDANA DODDI,
BENGALURU - 560 062.

...APPELLANT

(BY SRI. GIRIMALLAIAH, ADVOCATE)

AND:

1. UNITED INDIA INSURANCE COMPANY LTD.,
REGIONAL OFFICE, T.P. HUB,
KRISHI BHAVAN,
6TH FLOOR, HUDSON CIRCLE,
BANGALORE - 560 001,
BY ITS MANAGER.

2. MR. LOKESH. B
S/O. BHAIRAPPA. S,
MAJOR,
(AGE OF R-2 NOT KNOWN TO APPELLANT)
NO.20, HANGARAHALLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT - 571 438.

...RESPONDENTS

(BY SRI. NAGARAJAIAH K., ADVOCATE FOR R1

VIDE ORDER DATED 16.04.2026, NOTICE TO R2 DISPENSED WITH)

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 20.07.2024 PASSED IN MVC NO.2520/2021 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES, MEMBER, PRL. MACT, BENGALURU, (SCCH-1), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION AND ETC.

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. The Tribunal passed a common award in MVC Nos.2520/2021 and 2521/2021 on 20.07.2024. This MFA No.6725/2024 is filed against the judgement and award dated 20.07.2024 passed in MVC No.2520/2021 by the Chief Judge, Court of Small Causes, Member, Principal Motor Accident Claims Tribunal, Bengaluru (SCCH-1) (hereinafter referred to as 'the Tribunal' for short), seeking enhancement of compensation.

3. The injured claimant met with a road traffic accident on 29.10.2020 and filed a claim petition seeking

compensation of Rs.10,00,000/-. The Tribunal, after considering the oral and documentary evidence on record, awarded a total compensation of Rs.90,000/- with interest at 6% per annum from the date of petition till realization.

4. Aggrieved by the said order, the claimant has preferred this appeal contending that she sustained fracture injuries which are grievous in nature. She examined the doctor, who assessed permanent disability of the lower limb at 33% and whole body disability at 11%. She had taken treatment for two weeks and was under rest for about eight months. It is contended that the Tribunal granted meager compensation under various heads and thus requested for enhancement of compensation.

5. The appellant claims that she was working as a Senior C.S.R. at Thermo Fresher Scientific Company and earning Rs.43,000/- per month. However, no documentary evidence is produced to establish her

income or occupation. Considering the fact that accident occurred in the year 2020, her notional income is taken at Rs.14,500/- per month as per the chart prepared by the Karnataka State Legal Services Authority. The claimant was aged 28 years at the time of the accident and the appropriate multiplier is '17'.

6. As per Ex.P.6-wound certificate and the evidnec of PW.3-Orthopaedic surgeon, the claimant sustained:

i. Fracture of medial malleolus of left ankle (undisplaced fracture)

ii. Treated conservatively with POP

The doctor noted:

i. Restricted ankle movements

ii. Quadriceps muscle wasting

iii. Pain in knee and ankle movements

vi. Difficulty in squatting, cross-leg sitting, and using Indian toilets

X-ray shows the fracture has united. The doctor assessed:

i. Limb disability: 33%

ii. Whole body disability: 11%

There is also shortening of the limb by half an inch. The fracture would normally heal within 6–8 weeks, and physiotherapy was advised post-removal of POP.

7. The Tribunal has not awarded any compensation under the head of loss of future earning capacity. Considering the medical evidence on record, this Court finds it reasonable to take the disability at one-third of 33% i.e., 11%, as whole body disability. Accordingly, loss of future earning capacity comes to Rs.14,500/- × 12 × 17 × 11% = Rs.3,25,380/-.

8. The appellant was treated as an outpatient. The Tribunal has already awarded a sum of Rs.40,000/- towards pain and suffering and Rs.40,000/- towards loss of amenities, which are found to be just and reasonable. The appellant is further entitled to a sum of Rs.30,000/- towards transportation, extra nourishment and attended charges. Having regard to the nature of injuries, it can be

reasonably inferred that the appellant could not have attended to her work for a period of at least two months. Accordingly, she is entitled to a sum of Rs.29,000/- towards loss of income during the laid-up period.

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

Particulars	Amount in Rs.
Loss of future earning capacity	3,25,380.00
Pain and suffering	40,000.00
Loss of amenities	40,000.00
Transportation, extra nourishment and attendant charges	30,000.00
Loss of income during laid-up period	29,000.00
Total	**4,64,380.00**

10. In summary, the appellant/claimant is entitled to a total compensation of Rs.4,64,380/- as against Rs.90,000/- awarded by the Tribunal. The enhanced compensation works out to Rs.3,74,380/-. To this extent, the award passed by the Tribunal is modified.

11. 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.2520/2021, by the Chief Judge, Court of Small Causes, Member Principal Motor Accident Claims Tribunal, Bengaluru (SCCH-1), is hereby modified;

iii. The appellant-claimant is entitled to enhanced compensation of Rs.3,74,380/- with interest at the rate of 6% per annum from the date of petition till its realization.

iv. Respondent No.1/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance Company is directed to deposit enhanced compensation of Rs.3,74,380/- 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.: 6