



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. 291 OF 2025 (MV-I)

BETWEEN:

SRI. DODDAIAH
S/O SINGAPPA, AGED ABOUT 54 YEARS,
R/AT KRISHNAGIRI VILLAGE
KANNAMEDI POST, PAVAGAGA TALUK
TUMKURU DISTRICT - 561 202.

...APPELLANT

(BY SRI. GIRIMALLAIAH, ADVOCATE)

AND:

1. ICICI LOMBARD MOTOR
INSURANCE COMPANY LTD.,
NO.121, "THE ESTATE",
9TH FLOOR, DICKENSON ROAD,
M.G. ROAD, BENGALURU - 560 042,
BY ITS MANAGER.
2. SRI. GOKHALE K.E
S/O ERAPPA, MAJOR,
AGE OF R2 NOT KNOWN TO APPELLANT
RESIDENT OF NO.5, 4TH FLOOR,
6TH MAIN, VINAYAKA LAYOUT,
DODDANEKUNDI POST
BENGALURU - 560 037.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A, ADVOCATE FOR
SRI. PRADEEP B, ADVOCATE FOR R1;
VIDE ORDER DATED 21.04.2026, NOTICE TO R2 IS
DISPENSED WITH)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 29.10.2024 PASSED IN MVC NO.5547/2021 ON THE FILE OF THE XXIV ADDITIONAL SCJ AND ACJM, MEMBER, MACT, BENGALURU SCCH-26, 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 29.10.2024 passed in MVC No.5547/2021 by the XXIV Additional SCJ and ACJM and Member-MACT, Bengaluru (SCCH-26) (for short, 'the Tribunal') seeking enhancement of compensation.

3. The injured claimant met with an accident on 03.09.2021 and filed a claim petition claiming compensation of Rs.50,00,000/-. The Tribunal, after



considering the entire evidence on record granted an amount of Rs.15,70,194/- 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. It is contended that he sustained fracture injuries, which are grievous in nature and was hospitalized on five occasions for a total period of 51 days in a span of one year and continued treatment thereafter. It is further contended that the case resulted in amputation, and the doctor has assessed the permanent disability of the whole body at 70%. Considering the nature of his work as a coolie, it is urged that the functional disability ought to be taken at 100%, as he is unable to continue his avocation. It is also contended that the Tribunal has awarded meagre compensation under other heads and has not granted future prospects. Therefore, requested for enhancement of compensation.

5. *Per contra*, learned counsel for the respondent submits that the Tribunal has rightly assessed the



disability at 50% and awarded just and reasonable compensation under all heads, which needs no interference.

6. Though the appellant contends that he was earning Rs.18,000/- per month as a coolie, no documentary evidence is produced to substantiate the same. Considering that the accident occurred in the year 2021, the Tribunal has rightly taken the notional income at Rs.15,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority, and the same is confirmed. The claimant was aged 50 years at the time of the accident and the applicable multiplier is '13'.

7. The appellant has produced Ex.P.3-injured statement, Ex.P.7 and Ex.P.8-wound certificate, Ex.P.10 to Ex.P.13-discharge summaries, and Ex.P-14 and Ex.P-15 (outpatient records). The doctor examined as PW-2 an Orthopedic Surgeon, has deposed that the appellant sustained the following injuries:

i. Type II open fracture of both bones of the left leg



ii. Fractures of 2nd and 3rd metatarsals of the right foot

He has further stated that the appellant underwent multiple procedures including wound debridement, external fixation, K-wire fixation, flap coverage, and Ilizarov fixation. Despite treatment, complications arose, and ultimately, the claimant underwent below-knee amputation of the left leg on 19.12.2022.

During disability assessment on 18.01.2024, the following were noted:

- i. Healed surgical scar over the amputated stump*
- ii. Swelling and altered pigmentation*
- iii. Difficulty in sitting cross-legged and squatting*
- vi. X-ray showing below-knee amputation at upper one-third.*

The doctor has assessed permanent disability at 70% to the whole body and opined that the injuries are permanent in nature. He has also stated that the claimant would require special orthosis costing approximately Rs.50,000/- to Rs.1,00,000/-.



8. Considering that it is a case of below-knee amputation, this Court accepts the whole body disability at 70%. However, having regard to the nature of work of the claimant as a coolie, the functional disability is taken at 100%, in line with the principles laid down in ***Raj Kumar Vs. Ajay Kumar (2011) 1 SCC 343 and R. Halle Vs. Reliance General Insurance Company Limited*** reported in ***2026 SCC Online SC 433***.

9. Since the disability exceeds 20%, the claimant is entitled for future prospects, as per the decision of this Court in ***New India Assurance Company Vs. Abdul S/o. Mehaboob Tahasildar and Others*** in ***MFA No.103807/2016, dated 27.05.2022***. As the claimant was aged 50 years, an addition of 25% towards future prospects is appropriate. Accordingly, the loss of future earning capacity comes to Rs.15,000/- + 25% = Rs.18,750/- x 12 x 13 x 100% = Rs.29,25,000/-.

10. The Tribunal has awarded Rs.50,194/- towards medical expenses based on actual bills and it is confirmed.



11. The appellant was hospitalized for 51 days and would have been unable to work for at least three months. The Tribunal has awarded Rs.45,000/- towards loss of income during the laid-up period, which is just and proper and is confirmed.

12. This Court finds it reasonable to grant an amount of Rs.1,00,000/- towards future medical expenses for undergoing special orthosis.

13. The learned counsel for the appellant relied upon the judgment in ***Mohd. Sabeer vs. Regional Manager, U.P. State Road Transport Corporation (2023 ACJ 1) in Civil Appeal No. 9070/2022 dated 09.12.2022*** and sought enhancement of compensation under the conventional heads. However, this Court finds that the amounts awarded by the Tribunal under the said heads are just and reasonable and do not call for any interference.

14. Considering the nature of injuries, period of hospitalisation and other relevant factors, this Court find it



reasonable to grant Rs.1,00,000/- towards pain and suffering, Rs.80,000/- towards loss of amenities and Rs.75,000/- towards transportation, extra nourishment and attendant charges. The petitioner is not entitled for loss of income during laid-up period as the functional disability is taken as 100%.

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

Particulars	Amount in Rs.
Loss of future earning capacity	29,25,000.00
Pain and suffering	1,00,000.00
Loss of amenities	80,000.00
Transportation, extra nourishment and attendant charges	75,000.00
Medical expenses	50,194.00
Future medical expenses	1,00,000.00
Total	33,30,194.00

16. The appellant/claimant is entitled to a total compensation of Rs.33,30,194/- as against Rs.15,70,194/- awarded by the Tribunal. The enhanced compensation works out to Rs.17,60,000/-. 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 29.10.2024 passed in MVC No.5547/2021 by the XXIV Additional SCJ and ACJM and Member-MACT, Bengaluru (SCCH-26), is hereby modified;
- iii. The appellant-claimant is entitled to enhanced compensation of Rs.17,60,000/- with interest at the rate of 6% per annum from the date of petition till its realization.
- iv. Respondent/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance Company is directed to deposit enhanced compensation of Rs.17,60,000/- 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.: 12