



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 496 OF 2026 (MV-I)

BETWEEN:

MR. DEVADASA K,
S/O. TANIYAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT KADRI NIVASA,
KANIYOORU, BELTHANGADY,
D.K. PIN - 574 217.

...APPELLANT

(BY SRI. G. RAVISHANKAR SHASTRY.,ADVOCATE)

AND:

1. MRS. GIRIJA CHOY,
W/O. P. CHANDRASHEKARAN,
ADULT,
RESIDING AT 15-13-696/14,
CHANDRAGIRI, SHIVABAGH,
NEAR SANJAY APARTMENTS NEW ROAD,
KADRI, KANKANADY,
MANGALURU, D.K. PIN - 575 002.

2. THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LTD.,
2ND FLOOR, INLAND ORNATE,
NAVABHARATH CIRCLE,
OPP HOTEL OCEAN PEARL,
MANGALURU, D.K. PIN - 575 003.

...RESPONDENTS

(BY SRI. ASHOK KUMAR V., ADV FOR R2;
V/O/D 28.01.2026 NOTICE TO R1 IS D/W)





THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.17.11.2025 PASSED IN MVC NO.1280/2024 ON THE FILE OF THE COURT OF VI ADDITIONAL DISTRICT AND SESSIONS JUDGE AND MACT, D.K., MANGALURU. 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 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 17.11.2025 passed in MVC No.1280/2024 on the file of the VI Additional District and Sessions Judge and MACT, D. K. Mangaluru, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent



No.2/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner/injured claimant met with an accident on 16.05.2024 and filed petition before the Tribunal for compensation of Rs.15,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.10,49,564/- with interest at the rate of 7% p.a., from the date of filing the petition till the date of realization. Being aggrieved by the said order, this appeal is filed.

4. It is stated that the petitioner/injured sustained multiple injuries, which are grievous in nature. He examined the doctor as PW.2, who assessed the disability at 17% to the right upper limb and 30% to the left lower limb and issued a disability certificate under Ex.P.11. But the Tribunal has taken the disability at only 12%. The petitioner was an inpatient for 23 days. The amounts awarded under other heads are meagre and thus, requested for enhancement of the compensation.



5. The petitioner/injured was aged 48 years and was working as a businessman, running a general store in Bejai, earning Rs.41,000/- per month. He also produced Income Tax Returns under Exs.P.16 to P.19. Considering the same, the Tribunal assessed his income at Rs.40,000/- per month, which is confirmed. As the petitioner was aged 48 years, the applicable multiplier is '13'. The petitioner examined the doctor as PW.2, who stated that the nature of injuries sustained by the petitioner is as follows:

- "1. Multiple abrasions over the left knee, left ankle, right knee and right hand.*
- 2. Lacerated wound on the left leg.*
- 3. Right hemothorax Bilateral multiple rib fracture.*
- 4. Right clavicle fracture.*
- 5. Type 1 left femur segmental fracture.*
- 6. Left ankle Trimalleolar fracture dislocation."*

Out of which, injury Nos.3 to 6 were grievous in nature and other are simple in nature.

"The petitioner/injured underwent Left thigh wound wash debridement, left femur CRIF with



IMIL nailing (Sirus 400 x 10 MM), left ankle ORIF with lateral malleolus plating (8 holed semi tubular plate) posterior malleolus plating (5 holes), medical malleolus screw fixation under SA & EA on 23.05.2024."

6. The doctor further stated that he along with another doctor, issued the disability certificate and it contains his signature. He assessed the disability at 17% to the right upper limb and 30% to the left lower limb. He further stated that the petitioner/injured requires another surgery for removal of implants from the femur and ankle bone and the estimated cost of the surgery in their hospital would be Rs.49,000/-. PW.2 issued the disability certificate marked as Ex.P.11. Accordingly, the total limb disability comes to 47% (17%+30%) and 1/3rd of the same comes to 16% towards whole body disability. But the Tribunal has taken the disability at 12% without any basis. Therefore, based on the medical evidence, the whole body disability of the petitioner/injured is taken at



16%. Accordingly, the loss of future earning capacity comes to **Rs.9,98,400/-** ($40,000 \times 12 \times 13 \times 16\%$). As per Ex.P.23, the petitioner/injured is entitled to a sum of **Rs.1,12,764/-** towards medical expenses and it is confirmed. The petitioner/injured was hospitalized for a period of 23 days. Considering the nature of injuries, the period of hospitalization and other relevant factors, this Court finds it reasonable to grant a sum of **Rs.75,000/-** towards pain and suffering, **Rs.50,000/-** towards loss of amenities and **Rs.40,000/-** towards transportation, extra nourishment and attendant charges. The petitioner/injured might not have attended to any other work for a period of three months. Therefore, a sum of **Rs.1,20,000/-** ($40,000 \times 3$) is awarded towards loss of income during the laid-up period. A further sum of **Rs.49,000/-** is awarded towards future medical expenses, as stated by the doctor.

7. Thus in all, compensation awarded by this Court is as below:



Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	75,000/-
2.	Towards medical expenses	1,12,764/-
3.	Towards loss of amenities	50,000/-
4.	Towards transportation, extra nourishment and attendant charges	40,000/-
5.	Towards loss of income during laid up period	1,20,000/-
6.	Towards loss of future earning capacity	9,98,400/-
7.	Towards future medical expenses	49,000/-
	Total	14,45,164/-

8. Hence, the appellant-claimant is entitled for a total compensation of Rs.14,45,164/- along with interest at the rate of 6% p.a.

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

ORDER

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



- ii. The judgment and award dated 17.11.2025 passed in MVC No.1280/2024 on the file of the VI Additional District and Sessions Judge and MACT, D. K. Mangaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.14,45,164/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.10,49,564/- granted by the tribunal.
- iv. Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.3,95,600/-** along with the interest at the rate of 6% within one month from the date of this order.



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

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 SI No.: 79