



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 654 OF 2025 (MV-I)

BETWEEN:

UMA,
W/O SURESHA,
AGED ABOUT 44 YEARS,
RESIDING AT NO.3123,
WARD NO.17, BALAGERI,
RAMANAGARA TOWN - 562 159.

...APPELLANT

(BY SRI. SHANTHARAJ K., ADVOCATE)

AND:

1. KUMAR SWAMY C
S/O CHINNAPILLE,
AGED MAJOR,
RESIDING AT NO.2791,
16TH WARD, BALAGERI,
NEAR BISILU MARAMMA TEMPLE,
RAMANAGARA - 562 159.

2. THE MANAGER,
CHOLA MS GENERAL INSURANCE,
NO.04, 9TH FLOOR, LEVEL-06,
GOLDEN HEIGHTS COMPLEX,
59TH 'C' CROSS, RAJAJINAGAR,
BENGALURU-560010.

...RESPONDENTS

(BY SRI. B.PRADEEP, ADVOCATE FOR RESPONDENT NO.2;
vide order dated 25.02.2026 notice to R1 is dispensed with)





THIS MFA FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 27.02.2024 PASSED IN MVC NO.315/2021 ON THE FILE OF THE ADDITIONAL MACT AND PRL. SENIOR CIVIL JUDGE AND CJM, RAMANAGARA, 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 Sri.Shantharaj.K., learned counsel appearing for the petitioner/appellant and Sri.B.Pradeep, learned counsel appearing for Respondent No.2/Insurance Company.

2. This appeal is filed challenging the judgment and award dated 27.02.2024 passed by the Principal Senior Civil Judge and CJM and Additional MACT, Ramanagara in M.V.C.No.315 of 2021 (for short, hereinafter referred to as the 'Tribunal').



3. The case of the petitioner/appellant is that on 06.09.2021 at about 7.00 p.m., while she was standing near her house at Balageri, Ramanagara Town, the rider of the two wheeler bearing Registration No.KA-42-EC-2166 came from Bisilu Maramma konda hayuva road side, in a very rash and negligent manner endangering human life and dashed against her, as a result of which, she fell down and sustained grievous injuries all over the body. Immediately, she was shifted to Narayana Hospital, Ramanagara for treatment, wherein she has spent Rs.2,50,000/- towards medicine, traveling expenses and nourishing food. It is her further case that prior to the accident, she was hale and healthy and used to ear Rs.800/- per day as a Coolie worker. Due to the said accident, she is unable to do her work and even today, she is suffering from severe pain and mental agony. On these grounds, the petitioner filed a claim petition before the Tribunal claiming compensation of Rs.20,00,000/- for the



injuries sustained by her in the said motor vehicle accident.

4. The Tribunal, after considering the entire evidence on record awarded compensation of Rs.3,93,500/- with interest at the rate of 6% per annum from the date of petition till realization. Aggrieved by the said award, the appellant is before this Court.

5. Learned counsel appearing for the appellant contended that the applicant was aged 40 years at the time of the accident. She was doing coolie work and earning Rs.800/- per day and same has been deposed by PW-1/petitioner. The petitioner was also cross-examined by respondent and nothing has been elicited to disprove either the income nor the avocation of the petitioner. But the Tribunal has erred in taking the income of the petitioner/appellant as Rs.15,000/- per month, which is on the lower side. The petitioner was an inpatient for 10 days and she has spent more than Rs.2,00,000/- towards medical expenses. He further contended that the doctor



who treated the petitioner was examined as PW-2 and he has assessed the permanent disability of the petitioner to an extent of 36% to the limb. PW-2 has further stated that since she was doing coolie work, because of permanent disability, she could not pursue her coolie work. But the Tribunal erred in taking the disability at 20%, which is on the lower side and awarding a sum of Rs.10,000/- towards loss of amenities is totally on the lower side. The compensation granted in respect of pain and suffering; food and nourishment and loss of income during treatment are also on the lower side and thus, requested for enhancement of compensation along with interest at the rate of 12% instead of 6% per annum.

6. Learned counsel appearing for Respondent No.2/Insurance Company stated that the petitioner has failed to prove her monthly income, and therefore, the notional income as per the chart of the Karnataka Legal Services Authority is to be considered. The doctor/PW-2 asserts in his evidence that the permanent physical



impairment of the whole body of the petitioner is 12% and prays to dismiss the appeal.

7. Though the petitioner/appellant has stated that she was earning Rs.800/- per day, she has not filed any income proof. As the petitioner met with accident in the year 2021, her notional income is to be taken as Rs.15,000/- per month and at the time of the accident, the petitioner was aged 14 years and the multiplier applicable is '15'. The petitioner has examined the doctor who treated her as PW-2 and in his evidence, he had stated that, at the time of accident, she had sustained the following injuries:

- i) *Swelling and tenderness over right elbow. Movements painful and restricted.*
- ii) *Multiple abrasions present over right great toe.*
- iii) *Swelling and tenderness present over left leg. Deformity present, crepitus present.*
- iv) *Lacerated wound over left foot.*
- v) *Tenderness present over back.*

The petitioner was diagnosed to have had fracture both bones left leg, middle 1/3rd she was



treated with antibiotics analgesics and other supportive medications. She underwent surgery (CRIF with IL NAIL, LEFT TIBIA) On 07.09.2021. The patient was discharged on 12.09.2021 and advised to come for follow-up on OPD basis. She came and obtained treatment regularly.

I recently examined the patient on 09.08.2023 for assessment of disability. She complained of following:

- 1. Pain in left knee.*
- 2. Difficulty to squat.*
- 3. Difficulty to sit cross-legged.*

I have examined this patient as per the format amended by the ministry of social welfare and empowerment - Government of India, and noted the finding and assessed the disability as follows:

- Left knee movements restricted.*
- X ray shows fracture united.*
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8. The doctor/PW-2 has further stated in his evidence that the petitioner has suffered permanent disability for particular limb is 36% and permanent disability to the whole body is 12%. Further, the petitioner/appellant has advised to undergo implant removal surgery and the total estimated cost of the



surgery is Rs.35,000/-. Therefore, loss of future earning capacity be taken as $(Rs.15,000 \times 12 \times 15 \times 12\%) = Rs.3,24,000/-$ and this Court finds it just and proper to grant an amount of Rs.35,000/- for future medical expenses, amounts granted by the Tribunal under other heads is confirmed.

9. In view of the above discussion, this Court finds it reasonable to grant compensation under the following heads:

Particulars	Amount (Rs.)
Loss of future earning capacity	3,24,000
Medical bills	5,980
Pain and suffering	50,000
Loss of amenities	30,000
Travel expenses	30,000
Future medical expenses	35,000
Loss of income during laid up period $(15,000 \times 3) =$	45,000
Total	5,19,980

10. Hence, the compensation is enhanced to Rs.5,19,980/- as against Rs.3,93,380/- along with interest



at 6% per annum from the date of petition till the date of deposit.

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

ORDER

- i. Appeal is ***allowed-in-part.***
- ii. The judgment and award dated 27.02.2024 passed in M.V.C.No.315 of 2021 by the Additional Motor Accidents Claims Tribunal and Principal Senior Civil Judge & CJM, Ramanagara, is modified;
- iii. The appellant is entitled to a sum of **Rs.5,19,980/-** along with interest at 6% per annum from the date of petition till the date of realization as against **Rs.3,93,380/-**.
- iv. Respondent No.2/Insurance Company is directed to deposit the enhanced amount of compensation, i.e., (Rs.5,19,980-



Rs.3,93,380) = **Rs.1,26,600/-** within one month from the date of this order.

- v. On such deposit, the appellant is permitted to withdraw the entire amount along with accrued interest.
- vi. Registry is directed to return the Trial Court records to the Tribunal, along with certified copy of the order passed by this Court forthwith, without any delay.
- vii. The appellant is not entitled for interest for the delayed period of 137 days in filing the appeal.
- viii. Draw award accordingly.

Sd/-
(P SREE SUDHA)
JUDGE