



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. 499 OF 2024 (MV-I)

BETWEEN:

1. SRI CHIKKANNA
S/O CHIKKANNA
AGED ABOUT 57 YEARS,
R/OF SHAKUNAGIRI GOLLARAHATTI
NONANAVINAKERE HOBLI
TIPTUR TALUK
TUMKUR DISTRICT - 572 224

...APPELLANT

(BY SRI. CHANDRASHEKARAIAH B., ADVOCATE)

AND:

1. MR NARASIMHACHAR
S/O BRAHMACHAR
MAJOR
(AGE OF R-1 NOT KNOWN TO THE APPELLANT)
RESIDENT OF NO.122,
ALBUR AT POST, NONAVINAKERE HOBLI
TIPTUR TALUK-572224
TUMKUR DISTRICT
2. M/S NATIONAL INSURANCE CO. LTD
HERO VERTICAL, 101106,
BMC HOUSE 1 CONNAUGHT PLACE
NEW DELHI-110001
BRANCH OFFICE AT NEAR KRISHNA TALKIES
M G ROAD





TUMKUR-572101
BY ITS MANAGER

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R2;
V/O DATED 23.02.2026 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 07.01.2023 PASSED IN MVC
NO.389/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
J.M.F.C., TIPTUR, 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/claimant
under Section 173(1) of Motor Vehicles Act, 1988,
challenging the judgment and award dated 07.01.2023
passed in MVC No.389/2017 by the Senior Civil Judge and
JMFC, Tiptur (for short, 'the Tribunal') seeking
enhancement of compensation.



3. The injured claimant met with an accident on 29.03.2016 and filed a claim petition claiming compensation of Rs.10,00,000/-. The Tribunal, after considering the entire evidence on record granted an amount of Rs.5,44,500/- with interest at 6% per annum from the date of petition till realisation.

4. Aggrieved by the said award, the claimant has preferred this appeal, contending that the appellant sustained fracture injuries and was hospitalized for period of 55 days. There is shortening of 5 cm, limping, restriction of knee movement and the doctor assessed the disability as 75%. However, the Tribunal did not grant any amount under the future loss of future prospects. The amounts under other heads are meager and thus seeks for enhancement of the compensation.

5. Learned counsel of the respondent stated that the Tribunal has rightly considered one-third of the 75% as 25% disability and granted reasonable amounts, which needs no interference.



6. It is stated that the appellant, aged 50 years, also working as an agricultural coolie ,engaged in coconut and copra business and earning Rs.15,000/- per month, he has not filed any income proof, as the accident occurred in the year 2016. The Tribunal has rightly considered his notional income as Rs.9,500/- per month. The appellant was aged 50 years at the time of the accident and the applicable multiplier is '13'.

7. As per the wound certificate, the appellant/claimant has sustained a communicated fracture of upper end of the right tibia and fibula. He was operated for the same on 27.04.2016 and was subsequently discharged on 23.05.2016, with advice for a review after 15 days. He is unable to fold the right knee completely.

8. The appellant was examined by Doctor-PW.2, an orthopedic surgeon, who diagnosed a comminuted fracture of the upper end of the right tibia and fibula and assessed a permanent physical disability of the right lower limb at 75%.



9. The doctor further stated that the appellant needs to be assessed after corrective surgery for a final opinion, and it was suggested that he requires two more surgeries. The Tribunal considered one-third of 75% as 25% disability.

10. Learned counsel for the appellant relied upon the citation in MFA No.103807/2016 in ***New India Assurance Co. Ltd Vs. Abdul S/O Mehaboob Tahasildar***, which held that if the disability is more than 20%, future prospects should be added while assessing compensation for 'loss of future earning capacity'. In this case, the appellant has shortening of the limb by 5 centimeters. Therefore, this Court finds it reasonable to grant future prospects. The Tribunal considered the appellant's age based on medical records. However, the appellant has not filed supporting documents like a birth certificate or Aadhaar card or any other documents to establish his exact age. Therefore, this Court finds it reasonable to take the disability as 10%. Consequently,



the loss of future earning capacity comes to Rs.9500/-x
 $10\% \times 12 \times 13 \times 25\% = \text{Rs.}4,07,550/-$.

11. The appellant incurred Rs.23,255/- towards medical expenses, this Court finds it reasonable to confirm said amount. The appellant was hospitalised for 55 days. Therefore, this Court finds it is reasonable to grant Rs.75,000/- towards pain and suffering, Rs.60,000/- towards loss of amenities and Rs.40,000/- towards transportation, extra nourishment and attendant charges. The appellant might not have attended any other work at least for a period of four months. Therefore, = Rs.38,000/- (Rs.9500 x 4 months) under the head loss of income during laid-up period.

12. The Tribunal granted Rs.40,000/- towards future medical expenses. Though the doctor suggested two surgeries, the cost of the surgeries was not estimated. Therefore, this Court finds it reasonable to confirm the said amount.



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

Particulars	Amount in Rs.
Loss of future earning capacity	4,07,550.00
Medical bills	23,255.00
Pain and suffering	75,000.00
Loss of amenities	60,000.00
Transportation, extra nourishment and attendant charges	40,000.00
Future medical expenses	40,000.00
Loss of income during laid-up period	38,000.00
Total	6,83,805.00

14. The appellant/claimant is entitled for total compensation of Rs.6,83,805/- as against Rs.5,44,500/- awarded by the Tribunal. The enhanced compensation works out to Rs.1,39,305/-. To this extent, the award passed by the Tribunal is modified.

15. In the result, pass the following:

ORDER

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



- ii. The judgment and award dated 07.01.2023 passed in MVC No.389/2017 by the Senior Civil Judge and JMFC, Tiptur, is hereby modified;
- iii. The appellant-claimant is entitled to enhanced compensation of Rs.1,39,305/-. (Rs.6,83,805/- minus Rs.5,44,500/-) with interest at the rate of 6% per annum from the date of petition till its realization.
- iv. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, Insurance Company is directed to deposit enhanced compensation of Rs.1,39,305/- 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.



- vi. Registry is directed to send the Trial Court Records forthwith.
- vii. The appellant is not entitled for interest for 276 days delay period as per order in I.A.No.1/2024 dated 23.02.2026.

Sd/-
(P SREE SUDHA)
JUDGE

TMP
List No.: 1 Sl No.: 5