



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 606 OF 2026 (MV-I)

BETWEEN:

SRI NAVEENKUMAR B T
S/O. THIMMAIAH,
AGED ABOUT 24 YEARS,
R/AT BOVI COLONY,
KADABA HOBLI, BYADAGERE POST,
GUBBI TALUK,
TUMKUR-572219.

APPELLANT

(BY SRI. VIJAY KUMAR T.,ADVOCATE)

AND:

1. SRI PRAKASH GOWDA K S
S/O. SHANKARAINGEGOWDA,
AGED MAJOR,
NH-4 BANGLE, SIRA TALUK,
KALLAMBELLA, TUMKUR-572125.
2. THE MANAGER,
THE LIBERTY GENERAL INSURANCE CO. LTD.,
NO.21/15, THE LANDMARK,
4TH FLOOR, NEAR TRINITY METRO,
M.G.ROAD,
BENGALURU-560001.

RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY NA.,ADVOCATE FOR SRI. B.
PRADEEP., FOR R2;
V/O DT 22.04.2026 NOTICE TO R1 D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE
JUDGMENT AND AWARD DT.01.10.2024 PASSED IN MVC
NO.2713/2023 ON THE FILE OF THE VIII ADDL. JUDGE, COURT





OF SMALL CAUSES AND ACJM, MACT AT BENGALURU 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

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 01.10.2024 passed in MVC.No.2713/2023 on the file of the learned VIII Additional Judge, Court of Small Causes and ACJM, Bengaluru (SCCH-5), seeking enhancement of compensation.

2. Heard the arguments of 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 15.04.2023 and filed claim petition claiming compensation of Rs.15,00,000/-. The Tribunal considered the entire evidence on record granted amount of Rs.2,61,710/- with interest at the rate of 6% p.a., from the date of filing the



petition till the date of deposit. Being aggrieved by the said order, this appeal is filed and mainly contended that he sustained grievous injuries, but the Tribunal granted meager amounts under the other heads. He was doing agriculture and also milk vending business and earning Rs.20,000/- per month. He sustained 20% of permanent physical disability to the right lower limb and 10% to the whole body. The Tribunal granted Rs.1,017/- towards loss of income during laid up period and he has taken bed rest for 8 months, therefore, requested for enhancement of the compensation.

4. Though the petitioner stated that he was earning Rs.25,000/- per month, but he has not filed any income proof. As he met with an accident in the year 2023, his notional income is to be taken as Rs.16,000/- per month as per the charge preferred by the Karnataka State Legal Services Authority. He was aged 21 years and the relevant multiplier is '18'. The petitioner filed Ex.P6 wound certificate and also Ex.P9 discharge summary, apart from that he also examined doctor as PW.2, he is an orthopedic surgeon and he stated that the petitioner sustained posterior dislocation of right hip and closed reduction of dislocation. He complains pain in right hip,



difficulty to squat on floor, sit cross legged, climb upstairs, walk on slope, difficulty to do routine activities. Radiological examination shows fractured dislocation reduced, he suffers from permanent physical disability of 20% of right lower limb which is 10% of the whole body. In cross-examination he stated that he is not the treated doctor but he has gone through the case sheet, wound certificate and discharge summary, there is one grievous injury, there is no dislocation of right hip joint. Considering the nature of injuries this Court finds to assess the disability as $\frac{1}{3}^{\text{rd}}$ of 20% i.e., 7%. Loss of future earning come to $16,000/- \times 12 \times 18 \times 7\% = 2,41,920/-$. The Tribunal has granted Rs.1,583/- towards medical expenses and the said amount is confirmed. He was admitted in a hospital only for two days considering the nature of injuries and period of hospitalization, this Court finds it reasonable to grant an amount of Rs.25,000/- towards pain and suffering. Rs.15,000/- for loss of amenities and Rs.20,000/- for transportation, extra nourishment and attendant charges. The claimant might not have attended any work for a period of 2 months, therefore, Rs.32,000/- is to be granted under the heads of loss of income during laid up period.



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

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	25,000/-
2.	Medical expenses	1,583/-
3.	Towards loss of amenities	15,000/-
4.	Towards transportation, nourishment and attendant charges	20,000/-/-
5.	Loss of income during laid up period	32,000/-
6.	Towards loss of future earning capacity	2,41,920/-
	Total	3,35,503/-

6. Hence, the appellant-claimant is entitled for a total compensation of Rs.3,35,503/- along with interest at the rate of 6% p.a.

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

ORDER

- i. The appeal is **allowed** in part.
- ii. The judgment and award dated 01.10.2024 passed in MVC.No.2713/2023 on the file of the learned VIII Additional Judge, Court of Small Causes and ACJM, Bengaluru (SCCH-5), is modified.



- iii. The claimant is entitled to a sum of **Rs.3,35,503/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.2,61,710/- 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.73,793/-** 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