



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. 712 OF 2025 (MV-I)

BETWEEN:

SHIVALINGEGOWDA
S/O CHIKKONU,
AGED ABOUT 37 EYARS,
RESIDING AT SOGALA VILLAGE,
VIRUPAKSHIPURA HOBLI,
CHANNAPATAN TALUK,
RAMANAGARA DISTRICT - 562 160.

PRESENTLY RESIDING AT
BHUVANESHWARI NAGARA,
TEACHERS COLONY,
WARD NO.27,
RAMANAGARA TOWN - 562 159.

...APPELLANT

(BY SRI. SHANTHARAJ K., ADVOCATE)

AND:

1. YOGESH P.,
S/O. PUTTABASAVEGOWDA,
AGED ABOUT 35 YEARS,
RESIDING AT BELIKOTHANURU VILLAGE,
KASABA HOBLI,
RAMANAGARA TALUK,
RAMANAGARA DISTRICT - 562 159.





2. THE MANAGER
HDFC ERGO GEN. INS. CO. LTD.,
NO.25/1, 2ND FLOOR,
BUILDING NO.2,
SHANKARANARAYANA BUILDING,
M.G. ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI B. PRADEEP, ADVOCATE FOR R2;
V/O DATED 21.04.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST
THE JUDGMENT AND AWARD DATED 08.10.2024 PASSED IN
MVC NO.254/2020 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 both sides.

2. This appeal is filed by the appellant/claimant under Section 173(1) of the Motor Vehicles Act, 1988, challenging the judgment and award dated 08.10.2024 passed in MVC No.254/2020, by the Principal Senior Civil Judge and CJM and Additional Motor Accident Claims Tribunal, Ramanagara (hereinafter referred to as 'the Tribunal' for short), seeking enhancement of compensation.

3. The injured claimant met with a road traffic accident on 05.08.2020 and filed a claim petition seeking compensation of Rs.20,00,000/-. The Tribunal, after considering the oral and documentary evidence on record, awarded compensation of Rs.6,51,010/- with interest at 6% per annum from the date of petition till realization.

4. Aggrieved by the said order, the claimant preferred this appeal, contending that he was aged 32 years at the time of the accident and was engaged in



building work, earning Rs.30,000/- per month. However, the Tribunal has taken a meager income of Rs.14,500/-. It is further contended that he spent more than Rs.3,00,000/- towards medical expenses and was admitted as an inpatient for 15 years. He examined a doctor as PW-2, who assessed the whole body disability at 18%. It is argued that the Tribunal ought to have considered the functional disability at 30% and added future prospects. The disability taken at 18% is on the lower side. No amount has been granted under certain head and the amounts awarded under other heads are inadequate. It is also contended that interest ought to have been granted at a higher rate. Hence, requested for enhancement of compensation.

5. Learned counsel for the respondent contended that the Tribunal has rightly considered one-third of 54% i.e., 18% disability and the same requires no interfere and is to be confirmed. It is further contended that the claimant has not produced any income proof, and



therefore, the notional income taken by the Tribunal is proper and should not be altered.

6. Though the appellant stated that he was earning Rs.30,000/- per month, no documentary proof has been produced. As the accident occurred in the year 2020, the Tribunal has rightly considered the notional income as Rs.14,500/- per month, as per the chart prepared by the Karnataka State Legal Services Authority and the same is confirmed. The appellant was aged 32 years, and the applicable multiplier is '16'.

7. The appellant produced the Ex.P-6-wound certificate, Ex.P-8-discharge summary and Exs.10 and 11-inpatient and outpatient case sheets. He also examined the doctor as PW-2.

8. The appellant sustained the following injuries:

- i. Fracture of the lower one-third of the left femur.

He underwent surgery (CRIF with interlocking nailing of the left femur) and was discharged on



13.08.2020 with advice for regular follow-up. Subsequently, he was re-admitted from 03.12.2020 to 11.12.2020 with delayed union and stress fracture of the neck of the femur (left hip), for which he underwent exchange nailing (IMSC) with cancellous screw fixation of the neck of the femur. Later, he continued follow-up treatment on an outpatient basis. The doctor examined him on 25.03.2023 and noted:

- i. Malunited fracture of the left femur with implants in situ
- ii. United fracture of the neck of the femur with implants in situ
- iii. Restriction of hip and knee movements
- iv. Difficulty in walking on uneven surfaces, climbing stairs, and squatting

9. The doctor assessed the disability at 54% to the limb. The Tribunal has rightly considered one-third of the same as 18% to the whole body. This Court finds no



reason to interfere with the disability assessed by the Tribunal. Accordingly, the loss of future earning capacity comes to Rs.14,500/- $\times 12 \times 16 \times 18\% =$ Rs.5,01,120/-.

10. The appellant incurred Rs.1,13,208/- towards medical expenses. The Tribunal has already awarded the said amount, and the same is confirmed.

11. The appellant was hospitalized for 15 days. Considering the nature of injuries, period of hospitalisation, occupation and the fact of malunited fracture of the left femur, this Court finds it is reasonable to grant an amount of Rs.75,000/- towards pain and suffering, Rs.50,000/- towards loss of amenities and Rs.40,000/- for transportation, extra nourishment and attending charges. The appellant might not have attended any other work at least for a period of 4 months. Thereafter, Rs.58,000/- (Rs.14,500/- $\times 4$) towards loss of income during the laid-up period.

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



Particulars	Amount in Rs.
Loss of future earning capacity	5,01,120.00
Medical expenses	1,13,208.00
Pain and suffering	75,000.00
Loss of amenities	50,000.00
Transportation, extra nourishment and attendant charges	40,000.00
Loss of income during laid up period	58,000.00
Total	8,37,328.00

13. Hence, the appellant/claimant is entitled to a total compensation of Rs.8,37,328/- as against Rs.6,51,010/- awarded by the Tribunal. The enhanced compensation works out to Rs.1,86,318/-. To this extent, the award passed by the Tribunal is modified.

14. In the result, pass the following:

ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 08.10.2024 passed in MVC No.254/2020, by the Principal Senior Civil Judge and CJM



and Additional Motor Accident Claims Tribunal, Ramanagara, is hereby modified;

- iii. The appellant-claimant is entitled to enhanced compensation of Rs.1,86,318/- (Rs.8,37,328./- minus Rs.6,51,010/-) 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.1,86,318/- 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**