



NC: 2026:KHC:16140
MFA No. 2995 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 2995 OF 2020 (MV-I)

BETWEEN:

GANGADHARA
S/O LATE GANGAPPA
AGED 58 YEARS,
R/AT HIREBIDANUR VILLAGE AND POST,
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT-561208.

APPELLANT

(BY SRI. VISHWANATHA K.,ADVOCATE)

AND:

1. NAYAZ
SINCE DEAD BY HIS LRS

SMT.SHAHEEN TAJ,
W/O LATE NAYAZ,
AGED 50 YEARS,
R/AT NO.855, KODIGENAHALLI,
MADHUGIRI TALUK
TUMKUR DISTRICT.
2. ICICI LAMBARD GENERAL INSURANCE
COMPANY LIMITED
NO.8/111, UPSTAIRS,COURT ROAD,
ANANTHPUR, ANDHRA PRADESH
REP BY ITS MANAGER.

RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA.,ADVOCATE FOR R2;
NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 04.04.2018, PASSED IN MVC
NO.279/2015, ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC., AND MACT, GOWRIBIDANUR, PARTLY ALLOWING THE CLAIM

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by
SHARADAYANI
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Location: High
Court of
Karnataka



PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION AND ETC,.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the injured - claimant challenging
the judgment and award dated 04.04.2018 passed in
MVC.No.279/2015 by the Senior Civil Judge and JMFC / Motor
Accident Claims Tribunal, Gowribidanur, (for short, 'Tribunal').

2. Though this appeal is listed for admission, with the
consent of learned counsel for the parties, it is taken up for
final disposal.

3. Sri. Vishwanath K, learned counsel for the appellant
submits that the Tribunal has erred in assessing income,
disability and awarded meager compensation on all the heads.
It is submitted that the Tribunal has failed to award any
compensation under head of loss of amenities, attendant
charges, food conveyance etc,. Hence, he seeks to allow the
appeal.



4. *Per contra*, Sri. B.C. Shivanne Gowda, learned counsel appearing for respondent No.2 - insurance company supports the impugned judgment and award of the Tribunal and submits that the accident is of the year 2007 the appellant claims that he was working as a mason. However, no evidence is placed on record to prove the same. Hence, the Tribunal assessed the income at Rs.8,000/- which is on the higher side and also assessed the disability at 25% which is based on the evidence of the doctor. It is submitted that the award of the compensation by the Tribunal on all other heads is just and proper and there is no scope for enhancement. Hence, he seeks to dismiss the appeal.

5. I have heard the arguments of learned counsel for the appellants and learned counsel for respondent No.2 and meticulously perused the material available on record.

6. It is not disputed that the appellant met with a road accident on 18.12.2007 and he was provided treatment initially at Government District Hospital, Hindupura and thereafter, at Sanjay Gandhi Accident Hospital and Research Institute, Bangalore. As per the evidence of PW.2 and other medical records, the appellant has sustained fracture of compound type



II both bones of right leg, fracture of 3rd, 4th, and 5th metacarpal of right hand and fracture of right hand and finger. Based on the evidence of PW.2 and other medical records, the Tribunal recorded its reason at paragraph No.19 and assessed the disability at 25% of the whole body. I do not find any error in assessing the disability. Similarly, the appellate - claimant has failed to produce any evidence to substantiate that he was working as a mason and earning more than Rs.8,000/-. The Tribunal considering the overall evidence and taking note of his vocation, assessed the income at Rs.8,000/- which is as per the evidence on record and does not call for any interference.

7. The appellant was an inpatient for a period of 15 days i.e., from 18.12.2007 to 03.01.2008 and underwent treatment at Sanjay Gandhi Hospital, Bengaluru. The doctor assessed the disability at 39.10% to his right lower limb and 75% to the right upper limb. Based on such assessment of disability, the Tribunal assessed the disability at 25%. Considering the aforesaid evidence on record and keeping in mind the nature of treatment provided to the appellant, I am of the considered view that the compensation under the head of loss of amenities is required to be awarded and also the



compensation under the head of loss of income during laid up period is required to be enhanced appropriately for a period of 3 months i.e., 8,000/- X 3 =24,000/-.

8. For the aforementioned reasons, the compensation is re-assessed as follows:

HEADS	AMOUNT (in Rs.)
Loss of future earnings	3,36,000/-
Pain and suffering	50,000/-
Loss of income during laid up period	24,000/-
food, conveyance and attending charges	15,000/-
Loss of amenities	50,000/-
Future medical expenses	20,000/-
Towards medical expenses	15,410/-
Total	5,10,410/-

Thus, the appellants-claimants shall be entitled to a total compensation of **Rs.5,10,410/-** as against Rs.4,26,000/- awarded by the Tribunal.

9. In the result, this Court proceeds to pass the following:

ORDER

- a) The appeal is ***allowed in part.***
- b) The impugned judgment and award dated 04.04.2018 passed by the Tribunal, is modified to



an extent that the appellants-claimants would be entitled to total compensation of **Rs.5,10,410/-** as against Rs.4,26,000/- awarded by the Tribunal.

- c) The enhanced compensation shall carry interest at the rate of 6% p.a. from the date of petition till realisation.
- d) Respondent No.2 - insurance company shall deposit the enhanced compensation amount with accrued interest before the Tribunal within a period of six weeks from the date of receipt of certified copy of this judgment.
- e) The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered.
- f) Registry shall transmit the records to the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE