



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 936 OF 2025 (MV-I)

BETWEEN:

MR SADIQ PASHA ALIAS SADIZ BASHA
S/O JALEEL SAB,
NOW AGED ABOUT 35 YEARS,
RESIDING AT
KURUTAHALLI VILLAGE,
KALLAHALLI POST,
CHINTAMANI TALUK,
CHIKKABALLAPUR DISTRICT.

...APPELLANT

(BY SRI. GOPAL KRISHNA N., ADVOCATE FOR
SMT. SUSHMITHA G., ADVOCATE)

AND:

1. MR SADIQ PASHA
S/O PYAREJAN,
MAJOR IN AGE,
RESIDING AT KURUTAHALLI VILLAGE,
KALLAHALLI POST,
CHINTAMANI TALUK,
CHIKKABALLAPUR
DISTRICT -563125.
2. UNITED INDIA INSURANCE
COMPANY LTD,





REGIONAL OFFICE,
5TH FLOOR, KRUSHI BHAVANA,
NRUPATHUNGA ROAD,
HUDSON CIRCLE,
BENGALURU - 560001.
REP. BY ITS MANAGER.

...RESPONDENTS

(BY SRI. GEETA RAJ, ADVOCATE FOR R2;
VIDE ORDER DATED 24.04.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 25.06.2024 PASSED IN MVC
NO.7308/2019 ON THE FILE OF THE XVI ADDITIONAL JUDGE
COURT OF SMALL CAUSES, MACT, BENGALURU SCCH-14,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION BARRED BY
TIME.

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/petitioner under
Section 173(1) of Motor Vehicles Act, 1988 challenging the
judgment and award dated 25.06.2024 passed in MVC



No.7308/2019 on the file of Member, MACT, XVI Additional Judge, Court of Small Causes, Bengaluru, for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2. Vide order dated 24.04.2026 notice to respondent No.1 is dispensed with. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. The petitioner/injured claimant had filed petition before the Tribunal for compensation of Rs.15,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.2,19,300/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realisation. Being aggrieved by the said order, this appeal is filed.

4. Learned counsel for the petitioner contended that the petitioner due to the accidental injuries, he has suffered disability. The Doctor examined as PW.2, he



assessed the disability of left lower limb at 36% and the whole body disability at 18%. But the Tribunal has granted meagre amounts under other side, therefore requested for enhancement of compensation.

5. Learned counsel for respondent No.2 contended that the petitioner himself admitted his age in the petition as 30 years, but the Tribunal has erred in taking his age as 25 years relying upon the medical records and police records. Therefore, requested that the petitioner's age be taken as 30 years and the applicable multiplier be considered as '17'.

6. Though, it is stated that the petitioner was working as a coolie and earning Rs.12,000/- per month, he has not filed any income proof. As he met with an accident in the year 2013, Tribunal has rightly considered his notional income as Rs.8,000/- per month as per the chart preferred by the Karnataka State Legal Service Authority. Petitioner filed Ex.P.4-Wound Certificate and



Ex.P.6-Discharge summary. PW.2-Doctor stated that the petitioner sustained the following injuries:

"a) Left sided subtrochanteric fracture femur,

He underwent surgery in the form of:

a) Closed reduction and internal fixation with PFN,

b) Implant removal by after surgery.

The petitioner complains of:

a) Pain and difficulty in walking and climbing stairs,

b) History of mobility to squat and sit cross legged,

c) History of mobility to work as a truck loader.

On examination:

a) Walks with pain and limping,

b) Wasting of left lower limb is seen,

c) Surgical scars are seen over left hip and knee."

7. Thus, Doctor assessed the total disability of the left lower limb at 36% and the whole body disability at 18%. He is not a treated Doctor, but he examined the petitioner 11 years after the date of accident. He further stated that the fractures are united and there is no impediment for the petitioner to carry out his earlier occupation. It is further stated that the petitioner as a



truck driver and he cannot carry his work or any manual work due to the disability sustained by him. Considering the medical evidence on record, this Court finds it reasonable to take disability at 12% instead of 8%. Thus, the 'loss of future earning capacity' comes to **Rs.1,95,840/-** (Rs.8,000/- x 17 x 12 x 12%). The Tribunal has not granted any medical expenses and he was admitted in the hospital for a period of 11 days. Considering the nature of injuries, occupation and other relevant factors, this Court finds it reasonable to grant an amount of **Rs.50,000/-** towards 'pain and suffering', **Rs.25,000/-** towards 'loss of amenities', **Rs.30,000/-** towards 'transportation, extra nourishment and attendant charges'. Petitioner might not have attended any other work at least for a period of three months. Therefore **Rs.24,000/-** is to be granted under the head 'loss of income during laid-up period'.

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



Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	50,000/-
2	Towards loss of amenities	25,000/-
3	Towards transportation, extra nourishment and attendant charges	30,000/-
4	Towards loss of income during laid up period	24,000/-
5	Towards loss of future earning capacity	1,95,840/-
	Total	3,24,840/-

9. Hence, the appellant-claimant is entitled for a total compensation of Rs.3,24,840/- along with interest at the rate of 6% p.a.

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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 25.06.2024 passed in MVC No.7308/2019 on the file of Member, MACT, XVI Additional Judge,



Court of Small Causes, Bengaluru, is modified.

- iii. The appellant-petitioner is entitled to a sum of **Rs.3,24,840/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.2,19,240/- granted by the Tribunal.
- iv. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.1,05,600/-** 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.



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- vi. Claimant is not entitled for interest for delayed period of 126 days as per IA No.1/2025 dated 24.04.2026.

Sd/-
(P SREE SUDHA)
JUDGE

AMM
List No.: 1 Sl No.: 8