



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
MISCELLANEOUS FIRST APPEAL NO.2293/2019 (MV-I)

BETWEEN:

KUM. MONIKA
D/O H. GANGADHARAPPA
AGED ABOUT 19 YEARS
R/O NO.2-184, S C COLONY
BYCHERIA RODDAM MANDAL
ANANTHAPURA DISTRICT
ANDHRA PRADESH-515123.

...APPELLANT

(BY SRI. LATUR SURESH MAHALINGAPPA, ADV.,)

AND:

1. SRI. PONNASWAMY .V
S/O VELLAN
R/AT. NO.34/3, INDIRA STREET
SUBBAYYANAPALYA
M S NAGAR POST
BENGALURU-560043.
2. THE MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED
NO.5TH & 6TH FLOOR
KRISHI BHAVAN
NRUPATHUNGA ROAD
HUDSON CIRCLE
BENGALURU-560001.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADV., FOR R2
V/O/DTD:21.10.2022 NOTICE TO R1 IS D/W)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16/11/2018, PASSED IN MVC NO.1997/2017, ON THE FILE OF THE III ADDITIONAL JUDGE & MEMBER, MACT, COURT OF SMALL CAUSES, BENGALURU (SCCH-18), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR HEARING, 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 seeking enhancement of compensation being aggrieved by the judgment and award dated 16.11.2018 passed in MVC.No.1997/2017 by the III Additional Judge and MACT, Court of Small Causes, Bengaluru (SCCH-18), (for short, 'Tribunal').

2. Sri.Suresh M.Latur, learned counsel for the appellant submits that the Tribunal has committed a grave error in awarding compensation of Rs.3,00,000/- towards permanent disability without assessing proper income and disability. It is submitted that the award of compensation by the Tribunal under all other heads is also required to be



enhanced by considering the oral evidence of PW3 and PW5, who have clearly deposed before the Tribunal that the appellant has sustained crush injury of her right lower limb involving thigh and knee and upper part of the right leg and degloving injury over the right thigh, knee and loss of tendons and exposed muscle and bone. The appellant was inpatient for 42 days and underwent surgery. It is further submitted that even after discharge, the appellant continued to suffer the pain and discomfort, hence she is on regular medication and treatment. It is also submitted that the appellant has filed an application I.A.No.1/2022 for production of additional documents along with the affidavit of the appellant-injured, which indicates that the appellant has incurred nearly Rs.1,50,000/- towards medical expenses, which is also required to be considered in this appeal by allowing the appeal.

3. Per contra, Sri.C.Shankar Reddy, learned counsel appearing for the respondent-Insurance Company



submits that the appellant herself has claimed that she used to earn Rs.10,000/- per month and assessment of the disability by the tribunal at 17% is just and proper and award of compensation under all other heads is on the higher side, hence, there is no scope for enhancement. It is further submitted that the appellant has now produced certain bills which cannot be accepted in the absence of any opportunity to the insurance company to cross-examine the same and cross check the said bills. Hence, he seeks to dismiss the appeal.

4. I have heard the arguments of the learned counsel appearing on both the sides and meticulously perused the material available on record.

5. The appellant met with a road accident on 04.03.2017 and she was initially provided treatment at M.S.Ramaiah Hospital, Bengaluru, later she was shifted to K.C.General Hospital and then was shifted to Victoria Hospital, where she was provided treatment for the



injuries suffered by her in the aforesaid road accident. The evidence of the injured, PW3 and PW5 indicate that the appellant-injured has sustained following injuries:

- "a) Malleolar splint for right leg*
- b) Type 3 open injury to right knee joint with severe skin and soft tissue loss and other minor injuries all over the body."*

6. The mother of appellant examined herself as PW1 and also examined 4 witnesses as examined as PW2 to PW5 and got marked Exs.P1 to P22. Respondent examined RW1 and got marked Exs.R1 to R3. The Tribunal assessed the disability at 17% and awarded total compensation is Rs.6,20,110/-. It is to be noticed that PW3, plastic surgeon, has clearly deposed before the Tribunal that the appellant has sustained crush injury of the right lower limb involving the thigh and knee and upper part of the right leg and degloving injury over the right thigh, knee with a loss of tendons and exposed muscle bone. The appellant underwent surgery for the aforesaid injury as well as fracture and was inpatient for



more than more than 100 days. Considering the aforesaid injuries, I am of the considered view that the appellant is entitled to compensation under the head of loss of future income due to disability as held by the Hon'ble Supreme Court in the case ***Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari and Another***¹. It is also to be noticed that the appellant-injured is a girl aged about 17 years at the time of accident. Taking note of the evidence of doctors and other documentary evidence, the compensation awarded by the Tribunal under other heads is also required to be enhanced appropriately. Thus, the income of the injured is notionally assessed at Rs.11,000/- per month placing reliance on the notional income chart prepared by KSLSA for the year 2017. Hence, the appellant is entitled to compensation under the head of loss of future income due to disability as under:

$$\text{Rs.11,000} \times 12 \times 18 \times 17\% = \textbf{Rs.4,03,920/-}.$$

¹ 2025 ACJ 1986



7. Further, the appellant would be entitled to compensation of **Rs.75,000/-** towards pain & suffering; the appellant would be entitled to **Rs.66,000/-** (Rs.11,000 X 6) towards the loss of income during laid-up period; **Rs.25,000/-** towards food, nourishment, conveyance and attendant charges; **Rs.75,000/-** towards loss of amenities in life and **Rs.75,000/-** towards marriage prospects and disfiguration.

8. The appellant has filed an application under Order XLI Rule 27 of CPC for production of additional documents. The said application is accompanied with the affidavit of the appellant-injured, which indicates that the appellant met with the road accident on 04.03.2017 and due to the injuries suffered and treatment provided, she suffered difficulty due to the injuries and continued with her treatment and thereafter again she was admitted in Ashwini Hospital, Bengaluru, on 11.09.2020 and she was operated on the same day and discharged on 16.09.2020.



Considering the evidence of the injured and the documents produced, I am of the considered view that the treatment provided to the appellant-injured is subsequent to the award of the compensation by the Tribunal and the same is evident from the records placed before the Court. Hence, the said evidence is required to be accepted. However, perusal of the bills indicates that some of the bills do not contain either prescriptions or their xerox copies. When the learned counsel for the Insurance Company is confronted with the said bills issued by the Ashwini Hospital, which is for Rs.1,00,700/-, he submits that the same can be considered and the compensation can be awarded. Hence, I.A.No.1/2022 is allowed. The appellant-injured would be entitled to additional compensation **Rs.1,00,000/-**.

9. Thus, the appellant would be entitled to modified compensation as under:



HEADS	AMOUNT (in Rs.)
Pain & suffering	75,000
Loss of income during laid up period	66,000
Medical expenses	1,20,110
Loss of future income due to disability	4,03,920
Loss of amenities in life	75,000
Food, nourishment, conveyance and attendant charges	25,000
Marriage prospects and disfiguration	75,000
Additional Medical expenses/bills (now assessed)	1,00,000
Total	9,40,030

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.9,40,030/-** as against Rs.6,20,110/- awarded by the Tribunal.

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

ORDER

- a) Appeal is ***allowed in part.***
- b) I.A.No.1/2022 is ***allowed.***
- c) The impugned judgment and award of the Tribunal is modified to an extent that the appellant-claimant would be entitled to a



total compensation of **Rs.9,40,030/-** as against Rs.6,20,110/- awarded by the Tribunal.

- d) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment. However, the compensation of Rs.1,00,000/- awarded towards additional medical expenses/bills shall carry interest at the rate of 6% per annum from 16.09.2020 till the date of payment.
- e) The 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.



- f) The apportionment, deposit and disbursement shall be made as per award of the Tribunal.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 28