



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. 2028 OF 2020 (MV-I)

BETWEEN:

SRI SRINIVAS R
AGED ABOUT 42 YEARS,
S/O RAMAIAH,
R/AT NO.122, NEAR AMBEDKAR BOARD,
KENENA AGRAHARA,
VIMANAPURA,
BENGALURU-560017.

APPELLANT

(BY SRI. GURUDEV PRASAD K T.,ADVOCATE)

AND:

1. SRI. KESHA MURTHY M
MOJOR,
S/O MUNIYAPPA,
R/AT NO.111, 1ST MAIN,
THUBARAHALLI,
RAMAGONDANAHALLI POST,
VARTHUR HOBLI,
BENGALURU-560036.
2. KOTAK GENERAL INSURANCE CO. LTD.,
NO.41, SUBHASHRI PRIDE,
1ST FLOOR,
SUBHASHRI PRIDE,
1ST FLOOR, SOUTH END ROAD,
BASAVANAGUDI,
BENGALURU-560004.
REP. BY ITS MANAGER.

RESPONDENTS

(BY SRI. B.C SHIVANNE GOWDA.,ADVOCATE FOR R2;



V/O DT 17.08.2023 NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 16.08.2019, PASSED IN MVC NO.4702/2018, ON THE FILE OF THE V-ADDITIONAL SMALL CAUSES JUDGE AND XXIV ACMM., MEMBER, MACT, MAYO HALL UNIT, BENGALURU (SCCH-20), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATIO AND ETC,,.

THIS APPEAL, COMING ON FOR ADMISSION 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 challenging the judgment and award dated 16.08.2019 passed in MVC.No.4702/2018 by the V Additional Small Causes Judge and XXIV ACMM, Member, MACT, Mayo Hall Unit, Bengaluru, (SCCH-20) (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. Gurudev Prasad K.T, learned counsel appearing for the appellant submits that the appellant has sustained disability to the extent of 60% and as per the evidence of PW.2 the whole body disability is 25.5% and he was inpatient for



more than 21 days in the hospital. He sustained multiple fractures and they are all malunited. However, the Tribunal, ignoring the oral and documentary evidence, awarded meager compensation under the heads of pain and suffering, loss of amenities. No compensation is awarded under the head of loss of income during the laid up period. 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 injured continued with his employment in ISRO, HAL Main Road, Bengaluru. Hence, taking note of the injuries suffered by him and treatment provided award just compensation of Rs.2,32,000/- which does not call for interference. Hence, he seeks to dismiss the appeal.

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

6. The parties to the proceeding do not dispute that on 16.07.2018, the appellant sustained right distal femur comminuted fracture (open type II) and abrasions all over the



body and underwent ORIF wound debridement bone. He was provided treatment in the hospital for 21 days. To substantiate the disability, the injured examined PW.2, who has opined before the Tribunal that upon examining he noticed that the fractures have been malunited and he has a disability to the extent of 25.5% to the whole body. Taking note of the oral evidence of PW.2 and also keeping in mind the fact that the injured continued with his work as a cook in ISRO, HAL Main Road, Bengaluru. I am of the considered view that the additional compensation is required to be awarded under the heads of pain and suffering and loss of amenities and other heads. Instead of awarding meager amount on each of the heads, the interest of justice would be met if additional Rs.50,000/- is awarded to the appellant, the ends of justice would be met.

7. For the aforementioned reasons, the appeal is ***allowed-in-part.***

The impugned judgment and award of the Tribunal is modified to the extent that the appellant would be entitled to additional compensation of Rs.50,000/- with interest at the rate



of 6% per annum from the date of petition to the realisation of the amount.

The rest of the judgment and award of the Tribunal with respect to apportionment, deposit and release shall remain unaltered

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

PNV
List No.: 1 Sl No.: 9