



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO. 2872 OF 2019 (MV-I)

BETWEEN:

MANJUNATH
S/O BASAVARAJAPPA
AGED ABOUT 25 YEARS, DRIVER
R/O MALLAPUA GOLLARAHATTY VILLAGE
CHITRADURGA TALUK AND DISTRICT - 577 501.

...APPELLANT

(BY SRI. PRAJWAL, ADVOCATE FOR
SRI. R. SHASHIDHARA, ADVOCATE)

AND:

1. ARUNKUMAR
S/O NAGARAJAPPA
AGE 37 YEARS
DRIVER OF AUTO RICHSHAW
BEARING NO.KA-16/B-6491
R/O GEREHATTY, CHITRADURGA TOWN
CHITRADURGA TALUK AND DISTRICT - 577 501.

2. KAMALAMMA K
W/O LOKESH
AGED ABOUT 42 YEARS
OWNER OF AUTO RICKSHAW
BEARING NO.KA-16/B6491
R/O KUNCHIGANAL VILLAGE
INGALADAL POST, CHITRADURGA TALUK
AND DISTRICT - 577 501.





3. THIPPESWAMY
S/O VEERANNA M, MAJOR
POLICY HOLDER,
R/O IST CROSS, JOGIMATTI ROAD
CHITRADURGA TOWN - 577 501.
4. THE MANAGER
RELIANCE GENERAL INS. CO. LTD.,
S.M. TOWER, 2ND FLOOR,
11TH MAIN ROAD,
3RD BLOCK, JAYANAGAR
BANGALORE - 41.

...RESPONDENTS

(BY SRI. ASHOK N. PATIL, ADVOCATE FOR R4;
VIDE ORDER DATED 11.07.2024, NOTICE TO R1 TO R3
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 03.03.2018 PASSED IN MVC
NO.155/2017 ON THE FILE OF THE 1ST ADDITIONAL SENIOR
CIVIL JUDGE AND ADDITIONAL MACT-IV, CHITRADURGA,
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND SEEKING ENHANCEMENT OF COMPENSATION.

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 seeking enhancement of compensation being aggrieved by the judgment and award dated 03.03.2018 passed in MVC No.155/2017 by the Court of I Addl. Senior Civil Judge and Addl. M.A.C.T - IV, Chitradurga (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. Heard Sri.Prajwal for Sri. R. Shashidhara, learned counsel for the appellant and Sri. Ashok N. Patil, learned counsel for respondent No.4.

4. This appeal is filed by the injured mainly on the ground that the assessment of income as well as the disability by the Tribunal is incorrect and contrary to the oral and documentary evidence on record. It is contended that the Tribunal has awarded meager compensation on all



other heads without appreciating the fact that two toes of the right leg of the appellant were fractured and doctor has assessed the disability at 5%.

5. It is to be noticed that the appellant met with a road accident on 06.10.2016 and sustained open fracture of proximal phalanx of 1st, 2nd and 3rd for which ORIF with K wire was done. He was treated as an inpatient for a period of 7 days in District Government Hospital, Chitradurga. PW.2 has assessed the disability at 5% and in my considered view, the Tribunal without any justifiable reason disbelieved the said evidence and assessed the disability at 2%. The same is required to be assessed at 5%. It is averred that the injured was driver by profession. However, no income proof is placed to prove the same. Hence, his income is notionally re-assessed at Rs.9,500/- by placing reliance on the notional income chart prepared by the Karnataka State Legal Services Authority.



6. Having re-assessed the income, disability, taking note of the fact that the injured was inpatient for a period of 7 days in the hospital, undergone surgery and implants were inserted to fix the fracture, I am of the considered view that the compensation on all other heads are required to be re-assessed and the same is re-assessed as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	40,000.00
Medical bills	2,617.00
Loss of income during laid up period (Rs.9,500 x 3 months)	28,500.00
Loss of future income due to disability (Rs.9,500 x 12 x 18 x 5%)	1,02,600.00
Loss of amenities	40,000.00
Food, nourishment, conveyance and attendant charges	25,000.00
Total	2,38,717.00

7. Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.2,38,717/-** as against Rs.94,905/- awarded by the Tribunal.



8. 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 03.03.2018 passed by the Tribunal in M.V.C.No.155/2017 is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.2,38,717/-** as against Rs.94,905/- 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) The respondent-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 the 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) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

KA
List No.: 1 Sl No.: 8