



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1195 OF 2025 (MV-I)

BETWEEN:

1. SRI KIRANA P N
W/O HARISHA,
AGED ABOUT 22 YEARS,
R/O DODDAMAGGE HOBLI,
ARAKALAGUDU TALUK,
HASSAN DISTRICT-573201
PRESENTLY R/O RAJEGOWDA,
S/O LATE SUBBEGOWDA,
HOSAKOPPALU VILLAGE,
KASABA HOBLI,
HASSAN TALUK AND DISTRICT-573201

...APPELLANT

(BY SRI. GIRISH B BALADARE.,ADVOCATE)

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI

Location: High
Court of
Karnataka

AND:

1. SRI LAKSHMEGOWDA
S/O MALLIGEGOWDA,
MAJOR,
R/O DODDAGENIGERE VILLAGE,
SHANTIGRAMMA HOBLI,
HASSAN TALUK AND DISTRICT-573201
2. THE MANAGER,
IFFCO TOKIO GENERAL INSURANCE COMPANY
LIMITED, 2ND FLOOR,
S. NO. 846,
NEW KANTHARAJ URS ROAD,



NC: 2026:KHC:16732
MFA No. 1195 of 2025

KUVEMPU NAGARA,
MYSORE DISTRICT-570023

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N. A, ADVOCATE;
SRI. B. PRADEEP, ADVOCATE FOR R2;
VIDE ORDER DATED 24.03.2026, NOTICE TO R1
D/W;)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST
THE JUDGMENT AND AWARD DATED 08.08.2024 PASSED
IN MVC NO. 1662/2022 ON THE FILE OF THE COURT OF
PRL. SENIOR CIVIL JUDGE AND CJM, HASSAN,PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION
SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL IS 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/claimant under
Section 173(1) of Motor Vehicles Act, 1988 against the
award of the Tribunal in MVC.No.1662/2022 challenging
the judgment and award dated 08.08.2024, by the



Principal Senior Civil Judge and CJM and Member,
Addl.MACT., Hassan for enhancing the compensation.

2. The petitioner/injured claimant had filed petition before the Tribunal for compensation of Rs.20,00,000/-. The Trial Court considering the entire evidence on record granted an amount of Rs.10,12,000/- with interest at the rate of 7% p.a., from the date of petition till the date of deposit. Aggrieved by the said order, this appeal is filed. It is contended that petitioner's income was not properly considered and the amounts granted under all the heads are on the lower side. Therefore, the petitioner/injured requested for enhancement of compensation.

3. Learned counsel for the appellant contended that as per Ex.P4 she has sustained grievous head injury. She was in-patient for nearly 27 days in the hospital. She has spent more than Rs.5,13,000/- towards medical expenses. She was doing agriculture and coolie and earning Rs.30,000/- per month. She could not attend her regular



work for a period of 5 to 6 months. PW-2 assessed the disability at 35%. But the Tribunal erred in taking the same at 15%.

4. Heard the arguments of both the sides.

5. Learned counsel for respondent stated that the Tribunal has rightly considered the disability at 15% and also awarded reasonable amounts under other heads and therefore there is no need for interference.

6. Though petitioner stated that she was earning Rs.30,000/- per month she has not filed any income proof. As she met with an accident in the year 2022 her notional income is to be taken as 15,500/- as per Karnataka Legal Services Authorities. She was aged about 18 years, therefore, multiplier applicable is '18'. According to Ex.P4 she has sustained head injury, which is grievous in nature and she has also examined doctor as PW-2, who is a Neurosurgeon and he has stated that:



"The petitioner was in altered sensorium with 2 episodes of vomiting and 1 episode of seizure. Patient had severe head injury and was evaluated with CT brain which showed acute extradural hemorrhage and subdural hemorrhage with contusions. Patient was taken for emergency brain surgery. Postoperatively she regained consciousness gradually with residual drowsy state and weakness. Patient was continued on physiotherapy and neuro rehabilitation. Patient was discharged on 27.07.2022 with advice for followup opd treatment and physiotherapy. She was admitted for severe Gastritis on 18.08.2022 and discharged on 20.09.2022. She was admitted again for cranioplasty on 21.11.2022 and discharged on 27.11.2022. She was seen in OPD on 01.08.2022, 17.10.2022, 15.12.2022, 02.01.2024 when she was seen for disability evaluation. Patient underwent follow up physiotherapy and OPD treatment in neurosurgery OPD. Patient was seen in my OPD on 02.01.2024 for disability evaluation. She was evaluated as per DGHS guidelines and scale used as per international guidelines.

Patient gave history of on off headache anger spells and behavioral changes as noted by his family members. She needs some help in activities of daily life. On detailed neurological examination she was found to have no physical neurological deficits. Patient was referred to neuropsychologist for disability evaluation related to his psychological problems.

Patient has 35% disability with respect to combined neurobehavioral and cognitive function".



7. PW-2 is one of the members of the team, who treated her. But the Tribunal has taken functional disability as 15% without any basis. Considering the medical evidence this Court finds it appropriate to take 35% disability as assessed by PW-2. Therefore, the 'loss of future earning capacity' comes to Rs.11,71,800/-(15,500x12x18x35%). The Tribunal awarded Rs.5,13,000/- towards medical expenses as per Exs.P10 and P11 which does not call for interference. However, considering the nature of the injuries and the period of hospitalization, this Court finds it reasonable to grant an amount of **Rs.75,000/-** for 'pain and suffering', **Rs.50,000/-** for 'loss of amenities **Rs.40,000/-** towards 'extra nourishment, transportation, and attendant charges' and **Rs.62,000/-** towards 'loss of income during laid up period' as already awarded by the Tribunal and it is confirmed.



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

Particulars	Amount in Rs.
Loss of income due to disability	11,71,800
Pain and suffering	75,000
Medical expenses	5,13,000
Loss of amenities and enjoyment of life	50,000
Transportation, extra nourishment and attendant charges	40,000
Loss of income during laid up period(Rs.15,500x4)	62,000
Total	19,11,800

9. Hence, the appellant-claimant is entitled for a total compensation of **Rs.19,11,800/-** along with interest at the rate of 6% p.a.

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



ORDER

- i. The appeal is ***allowed in part.***
- ii. The judgment and award dated 08.08.2024 passed in MVC No.1662/2022, by Principal Senior Civil Judge and CJM and Member, Addl.MACT., Hassan, is modified;
- iii. The claimant is entitled to a sum of **Rs.19,11,800/-** along with interest at the rate 6% p.a., instead of Rs.10,12,000/- granted by the tribunal, from the date of petition till the date of realization.
- iv. Respondent No.2/Insurance company is directed to deposit the amount 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.

**Sd/-
(P SREE SUDHA)
JUDGE**