



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1283 OF 2025 (MV-I)

BETWEEN:

CHANDREGOWDA
S/O RAMEGOWDA
AGED ABOUT 38 YEARS
R/O BIDIRUMALEKOPPALU VILLAGE
KASABA HOBLI
ARAKALAGUD TALUK
HASSAN-573 102

...APPELLANT

(BY SRI. SANCHAN JAI NANDAN., ADVOCATE)

AND:

1. KUMARA P J
S/O LATE JAVAREGOWDA
MAJOR
R/AT- TEJURU KOPPALU VILLAGE
KASABA HOBLI
ARAKALAGUD TALUK

PRESENTLY RESIDING AT:
PRASANAHALI VILLAGE
SANTHEMARURU POST
DODDAMAGGE HOBLI
ARAKALAGUD TALUK
HASSAN-573 102.

2. THE MANAGER,
SHRIRAM GENERAL
INSURANCE CO. LTD.,
E-8, EPIP, RICHU INDUSTRIAL
AREA SITAPUR, JAIPUR





RAJASTHAN-302 022.

REPRESENTED BY
THE MANAGER
SHRIRAM GENERAL INSURANCE CO. LTD.
NO.5, 3RD FLOOR
BELAKALALI MAIN ROAD
AKSHARA EYE HOSPITAL BUILDING
BENGALURU- 76

...RESPONDENTS

(BY SRI. MALLIKARJUNA REDDY N.A., ADVOCATE FOR
SRI. B. PRADEEP, ADVOCATE FOR R2,
V/O DTD:24.02.2025, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 03.11.2022 PASSED IN MVC
NO. 967/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
MEMBER, MACT, ARAKALAGUD, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL COMING ON FOR FINAL HEARING THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed against the judgment and award dated
03.11.2022 passed by the Senior Civil Judge and Member,
MACT, Arakalagud, in MVC No.967 of 2020.

2. The injured claimant, aged 38 years, met with an
accident on 31.10.2019, and filed a claim application claiming
compensation of Rs.20,00,000/- with interest. The Tribunal,
considering the entire evidence on record, granted the



compensation of Rs.4,03,500/- with interest at the rate of 6% per annum from the date of petition till realisation.

3. Aggrieved by the said order, this appeal is preferred by the claimant in which it is mainly contended that he sustained fracture injuries which are grievous in nature. Exhibit P9 is the wound certificate and Exhibit P24 is the discharge summary and he examined doctor as C.W.1, who assessed the disability as 21.41%. He was admitted in the hospital as an inpatient for 5 days. The Tribunal granted meager amounts under the other heads and interest is to be granted at 12% per annum. Therefore, requested for enhancement of the compensation

4. Heard the arguments of learned counsel for both sides.

5. Petitioner stated that he was an agriculturist and doing milk vending business and earning Rs.30,000/- per month, but he has not filed any income proof. Though petitioner filed the record of rights document showing 10 guntas of land, it is in the name of his mother and not in his



name. He failed to prove his income as he met with an accident in the year 2019, this Court finds it reasonable to take his notional income as Rs.14,000/- as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 36 years and the relevant multiplier is 15.

6. Petitioner also filed Exhibit P9-wound certificate and Exhibit P24-discharge summary. He filed other medical records and also examined doctor as C.W.1. The doctor has stated that petitioner sustained swelling, tenderness, deformity over right thigh associated with fracture of femur, pain over back associated with right sided SI dissociation. They are fresh and grievous in nature. He further stated that petitioner was operated under anesthesia and femur nailing was done. Then he assessed the total disability as 16% and the permanent partial disability to the right lower limb as 21.41%. So one third of the same comes to 7%. Thus, loss of future earning capacity comes to Rs.1,76,400/- ($14,000 \times 12 \times 15 \times 7\%$). Tribunal granted ₹Rs.1,63,100/- towards medical expenses as per Exhibits P26 to P59 and the said amount is confirmed.



7. Petitioner was admitted in the hospital for a period of 5 days. considering the nature of injuries, his age, occupation and the other relevant factors, the compensation granted by the Tribunal under pain and suffering and loss of amenities is just and reasonable and it is confirmed. The amount granted for food, diet, attendant, extra nourishment, conveyance and other incidental expenses is enhanced to Rs.30,000/-. Further, loss of income during the laid up period is granted for two months it comes to Rs.28,000/- (14,000 x 2). Thus, in all, the claimant is entitled for the compensation of Rs.4,77,500/- with interest at 6% per annum as against Rs.4,03,500/- awarded by the Tribunal.

8. The award of compensation passed by the Tribunal is modified as under:

Heads	Amount in Rs.
1. Loss of future income	1,76,400/-
2. Medical expenses	1,63,100/-
3. Pain and Suffering	30,000/-
4. Loss of amenities	20,000/-
5. Food, diet, attendant, extra nourishment, conveyance and other	30,000/-



incidental expenses	
6. Loss of earning during the laid up period	28,000/-
7. Future medical expenses	30,000/-
Total	4,77,500/-

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

(i) Appeal is allowed in part.

(ii) The Claimant is entitled for the total compensation of Rs.4,77,500/- with interest at 6% per annum from the date of petition till the date of realization.

(iii) The respondent insurance company has already deposited the award amount before the Tribunal, and therefore, they are directed to deposit the enhanced amount of Rs.74,000/- with interest at 6% per annum within one month from the date of this order.

(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with the interest accrued on it.



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(v) In view of the order passed on 29.10.2025 on I.A. No.1/2025, the claimant is not entitled for interest for the delayed period of 741 days in filing the appeal.

Sd/-
(P SREE SUDHA)
JUDGE

CS
CT:NR
List No.: 1 Sl No.: 69