



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1282 OF 2025 (MV-I)

BETWEEN:

SMT. SHASHIKALA S.,
W/O KUMARA M,
NOW AGED ABOUT 41 YEARS,
R/AT NO.13, 3RD CROSS,
PRAGATI NAGARA,
CHIKKATOGURU MAIN ROAD,
ELECTRONIC CITY,
BENGALURU - 560 100.

...APPELLANT

(BY SRI SRIKANTH PATIL K.,ADVOCATE)

AND:

1. KAREGOWDA K S,
S/O SIDDAIAH,
NOW AGED ABOUT 46 YEARS,
DRIVE OF JEEP NO.KA-23-M-1009,
R/AT KALENAHALLI VILLAGE,
SIRA TALUK, TUMKUR - 572 137.
2. CHANNABASAVARAJU,
MAJOR, S/O GANGANNA,
OWNER OF JEEP NO.KA-23-M-1009,
R/AT MATANA HALLI,
THALAGUNDA POST, SIRA TALUK,
TUMKUR - 572 101.





3. UNITED INDIA INSURANCE CO LTD.,
KRUSHI BHAVAN, HUDSON CIRCLE,
NRUPATHUNGA ROAD,
BENGALURU - 560 001,
BY ITS REGIONAL MANAGER.

...RESPONDENTS

(BY SRI. JANARDHAN REDDY, ADVOCATE FOR R.3
V/O/D 28.10.2025 NOTICE TO R1 AND R2 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 12.10.2022 PASSED IN MVC
NO.5596/2019 ON THE FILE OF THE IX ADDITIONAL SMALL
CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7,
BENGALURU (SCCH-7), 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 by the appellant/claimant under
Section 173(1) of Motor Vehicles Act, 1988 challenging the
judgment and award dated 12.10.2022 passed in MVC
No.5596/2019 on the file of the IX Additional Small Causes



Judge, Court of Small Causes, Member, MACT-7, Bengaluru, for enhancing the compensation.

2. Heard the arguments of learned counsel for the appellant and learned counsel for respondent No.3/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner/injured claimant met with an accident on 12.01.2019 and filed petition before the Tribunal for compensation of Rs.25,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.12,58,292/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realization. Being aggrieved by the said order, this appeal is filed and mainly contended that the petitioner/appellant was working as a tutor and homemaker and was earning Rs.15,000/- per month. She examined PW.3-doctor, who assessed the whole body disability at 50% and stated that she had sustained polytrauma injuries. But the Tribunal, instead of considering 100% functional disability, assessed



the disability at only 35%. It is further contended that loss of future prospects has not been considered, though the disability is more than 20% and the amounts granted under other heads are meagre. Therefore, requested for enhancement of the compensation.

4. Though the petitioner/injured stated that she was earning Rs.15,000/- per month, she has not filed any income proof. As she met with an accident in the year 2019, the Tribunal has rightly considered her notional income as Rs.14,000/- per month. The petitioner/injured was aged 35 years and the applicable multiplier is '16'. Ex.P.6 is the wound certificate. PW.3-doctor stated that petitioner sustained polytrauma, TBI-left TP SAH panfacial injury fracture, Lefort's maxilla fracture, right leg BB fracture, right scapula fracture, right 1st phalanx shaft fracture and severe injuries to the spinal cord. The spinal cord nerve severely damaged and due to the damage to the spinal cord, the petitioner is suffering from monoplegia of right upper limbs. It is further stated that she is a



homemaker and also taking tuitions. But due to the restricted movement of her upper limb, she is unable to attend her day-to-day activities. The doctor observed that she has not sustained any damage to the spinal cord; but there is damage to the spinal nerves and he assessed the whole body disability at 50%. The Tribunal, considering the nature of her work and other relevant factors, assessed the functional disability at 35%. But this Court finds it reasonable to assess the disability at 50% in terms of the medical evidence. The petitioner/injured is also entitled to an addition of 40% towards future prospects, as the disability is more than 20%, in view of the judgment of the this Court in **MFA No.103807/2016** dated **27.05.2022**, between **New India Assurance Company Limited Vs. Abdul S/o Mehaboob Tahasildar & Others**. Accordingly, the loss of future earning capacity comes to **Rs.18,81,600/-** ($14,000 + 40\% \times 12 \times 16 \times 50\%$). The petitioner/injured was an inpatient for 16 days and therefore, this Court finds it reasonable to award a



sum of **Rs.40,000/-** towards transportation, extra nourishment and attendant charges and the amount awarded by the Tribunal under the other heads are confirmed.

5. Thus in all, compensation awarded by this Court is as below:

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	1,00,000/-
2.	Towards medicine and hospital bill	1,27,492/-
3.	Towards loss of amenities	40,000/-
4.	Towards transportation, extra nourishment and attendant charges	40,000/-
5.	Towards loss of income during laid up period	50,000/-
6.	Towards loss of future earning capacity	18,81,600/-
	Total	22,39,092/-

6. Hence, the appellant-claimant is entitled for a total compensation of Rs.22,39,092/- along with interest at the rate of 6% p.a.



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

ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 12.10.2022 passed in MVC No.5596/2019 on the file of the IX Additional Small Causes Judge, Court of Small Causes, Member, MACT-7, Bengaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.22,39,092/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.12,58,292/- granted by the Tribunal.
- iv. Respondent No.3/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.3/Insurance Company is directed to deposit the enhanced compensation of



Rs.9,80,800/- along with the interest at the rate of 6% 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

AMA
List No.: 1 Sl No.: 61