



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. 1427 OF 2025 (MV-

I)

BETWEEN:

1. MR GEOREG AJITH
S/O AUGUTIN K.C
AGED ABOUT 41 YEARS,
R/AT NO.152, 3RD. CROSS,
THULASAMMA LAYOUT,
MANORYANAPALAYA, BENGALURU-560032.

...APPELLANT

(BY SRI. NAIK KRISHNA VENKATRAMAN., ADVOCATE)

AND:

1. THE MANAGER
IFFCO TOKIA GEN INS.
CO., LTD., NO.141, 5TH FLOOR,
3RD MAIN ROAD, EAST NGEF LAYOUT,
KASTURI NAGAR,
K.R. PURAM, BENGALURU-560043.
POLICY NO.MJ142269
PERIOD OF INSURANCE FROM
20-03-2021 TO 21-03-2022.
2. MR. MAHADEVAIAH T.M
S/O MANCHIAIAH
MAJOR, R/AT NO.74,



2ND CROSS, BEHIND CHURCH,
NELAGADARANAHALI,
NAGASANDRA POST,
BENGALURU-560073.

...RESPONDENTS

(BY SRI. B C SHIVANNE GOWDA., ADVOCATE)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.30.04.2024 PASSED IN MVC NO.5443/2021 ON THE FILE OF THE X ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND MEMBER, MACT, BENGALURU, (SCCH-16), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND 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 challenging the judgment and award dated 30.04.2024 passed in MVC No.5443/2021 on the file of the X Addl.Judge, Court of Small Causes & Member, MACT, Bengaluru, for enhancing the compensation.



2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.1/Insurance Company. The ranks of the parties are retained as per Tribunal for the sake of convenience.

3. The petitioner/injured claimant had filed petition before the Tribunal for compensation of Rs.10,00,000/-. The Trial Court considering the entire evidence on record granted an amount of Rs.3,87,082/- 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.

4. Learned counsel for the appellant contended that the petitioner/injured claimant met with an accident on 22.11.2021 and sustained injuries. The Tribunal has awarded meagre compensation under the other heads including loss of amenities. Though the petitioner examined the doctor as PW-3, who assessed the disability of right upper limb as 26% and whole body as 13% the Tribunal erred in taking the disability at only 10%. He was



in the hospital for a period of two days. Therefore, requested for enhancement of the compensation.

5. Though the petitioner claimed that he was working as a driver and earning Rs.30,000/- per month, he has not filed any income proof. Since the accident occurred in the year 2021, the notional income is required to be taken at Rs.15,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. The petitioner was aged 37 years and the applicable multiplier is '15'.

6. The petitioner examined PW.3-doctor and he stated that he verified the wound certificate and as per the said wound certificate, the petitioner had sustained mid shaft radius fracture right side, which is grievous in nature.

7. He further stated that petitioner underwent surgery in the form of open Reduction Internal Fixation with 8-holed LCP Titanium plating under RA on



23.11.2021. Petitioner complaints of pain and difficulty in using right upper limb for activity of daily living. H/O Inability to lift weight and H/O inability to drive. He assessed the disability to right upper limb at 26% and that of his whole body at 13% and also stated that he requires another surgery for removal of implants and estimated cost of surgery as Rs.30,000/-. The Tribunal has rightly considered disability as 10%. Therefore this court finds no reason to interfere with the disability assessed by the Tribunal. Accordingly, the loss of future earning capacity comes to **Rs.2,70,000/-** (Rs.15,000 × 12 × 15 × 10%). The Tribunal has awarded **Rs.34,482/-** towards medical expenses, and it is confirmed. The petitioner was hospitalized for a period of two days. Considering the nature of the injuries, period of hospitalization and other relevant factors, this Court finds it reasonable to grant **Rs.50,000/-** towards pain and suffering, **Rs.30,000/-** towards loss of amenities and **Rs.30,000/-** towards transportation, extra nourishment, and attendant charges.



The petitioner might not have done any other work at least for a period of 4 months. Therefore, **Rs.60,000/-** (15,000x4) is to be granted under the head loss of income during laid up period. PW-3 suggested surgery for removal of implants, therefore, this Court deems it appropriate to award Rs.20,000/- for future medical expenses.

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

Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	50,000
2	Towards medical expenses	34,482
3	Towards loss of amenities	30,000
4	Towards transportation, extra nourishment and attendant charges	30,000
5	Towards loss of income during laid up period	60,000
6	Towards loss of future earning capacity	2,70,000
7	Future medical expenses	20,000
	Total	4,94,482



9. Hence, the appellant-claimant is entitled for a total compensation of Rs.4,94,482/- 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 30.04.2024 passed in MVC No.5443/2021 on the file of the X Addl.Judge, Court of Small Causes and Member, MACT, Bengaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.4,94,482/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,87,082/- granted by the tribunal.
- iv. Respondent No.1/Insurance Company is directed to deposit the enhanced compensation of **Rs.1,07,400/-** 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.
- vi. The appellant is not entitled for interest for 189 days of delay as per order on I.A.No.1/2025 dated 24.03.2026.

Sd/-
(P SREE SUDHA)
JUDGE