



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE P SREE SUDHA**

**MISCELLANEOUS FIRST APPEAL NO. 1416 OF 2025 (MV-I)**

**BETWEEN:**

SRI. M. SRIKANTH  
S/O B.R. MAHESH  
AGED ABOUT 30 YEARS,  
R/AT NO.119, 2ND MAIN,  
5TH CROSS, B CHANDRAPPA NAGAR,  
ADUGODI, BENGALURU SOUTH,  
BENGALURU - 560 030.

...APPELLANT

(BY SRI. NAIK KRISHNA VENKATRAMAN, ADVOCATE)

**AND:**

1. THE MANAGER  
ICICI LOMBARD GENERAL  
INSURANCE CO. LTD.,  
TP CLAIMS HUB, NO.121,  
THE ESTATE BUILDING, 9TH FLOOR,  
DICKENSON ROAD,  
BENGALURU - 560 042.
2. KUMARI. PRIYANKA  
D/O RAJENDRA PANDEY,  
AGED ABOUT 38 YEARS,  
R/AT NO.875, 22ND CROSS,  
6TH MAIN, 7TH SECTOR,

Digitally signed  
by  
PADMASHREE  
SHEKHAR  
DESAI  
Location: High  
Court of  
Karnataka



H.S.R. LAYOUT,  
BENGALURU - 560 102.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADVOCATE FOR R1;  
VIDE ORDER DATED 23.03.2026, NOTICE TO R2  
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 02.09.2024 PASSED IN MVC NO. 3968/2023 ON THE FILE OF THE VIII ADDITIONAL JUDGE, COURT OF SMALL CAUSES AND ACJM AND THE MOTOR ACCIDENT CLAIMS TRIBUNAL, BENGALURU (SCCH-5), PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, 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 02.09.2024 passed in MVC No.3968/2023, by VIII Additional Judge, Court of Small Causes and ACJM, 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.

3. The petitioner/injured claimant met with an accident on 06.05.2023 and filed a claim petition claiming compensation of Rs.25,00,000/-. The Tribunal considering the entire evidence on record, granted an amount of Rs.3,69,206/- with interest at the rate of 6% per annum from the date of filing the petition till the date of realisation. Aggrieved by the said order, he preferred this appeal and mainly contended that he was inpatient for more than 10 days.

4. The petitioner examined the doctor as PW2 and assessed the disability of the left lower limb as 47% and whole body disability as 15.66%. But the Tribunal granted meagre amounts under other heads. Therefore, requested for enhancement of the compensation.



5. It is further stated that the petitioner was earning Rs.30,000/- per month, but the Tribunal has taken his income as Rs.15,250/- per month, which is on the lower side. The Tribunal has not granted future medical expenses, though PW2 stated that the petitioner requires another surgery for removal of implants. It is contended that the petitioner was working as supervisor and also doing real estate business, earning Rs.30,000/- per month. But he has not filed any income proof. As he met with an accident in the year 2023, this Court finds it reasonable to take his notional income as Rs.16,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 28 years, and the multiplier applicable is 17.

6. As per Ex.P7-wound certificate and Ex.P9-discharge summary, the petitioner sustained a left femur sharp fracture. He also examined the doctor as PW2, who stated that the petitioner underwent Left femur shaft fracture - surgery in form of CRIF with IMIL nailing in



Sanjay Gandhi Institute of Trauma and Orthopedics,  
Bangalore and was discharged on 16.05.2023

PW2 noted the following points:

- i) Range of movements of knee, hip restricted.
- ii) Quadriceps wasting is seen.
- iii) Associated with pain on movements knee hip.
- iv) Daily activities cross leg sitting, squatting for using Indian toilets were found to be difficulty in limb.
- v) x ray pelvis shows fracture united with implant in situ.

And assessed permanent disability of the left lower limb as 47% and whole body disability as 15.66%. He also stated that the petitioner has to undergo another surgery for removal of implants, and estimated the cost of the surgery as Rs.30,000/-. This Court finds it reasonable to take one-third of 47% i.e., 15.66% (approximately 16%),



disability for the purpose of calculation. Loss of future earning capacity comes to Rs.16,000/- x 12 x 17 x 16% = **Rs.5,22,240/-**.

7. The Tribunal has granted **Rs.8,023/-** towards medical expenses and it is confirmed by this Court. The petitioner was in hospital for a period of 10 days. Considering the nature of injuries, period of hospitalization and other relevant factors, this Court finds it reasonable to grant an amount of **Rs.50,000/-** for Pain and Suffering, **Rs.25,000/-** for loss of amenities, **Rs.30,000/-** for transportation, extra nourishment and attendant charges. The petitioner might not have attended any other work at least for a period of four months. Therefore, **Rs.64,000/-** (Rs.16,000 x 4) is granted towards loss of income during laid up period. He is also entitled for **Rs.30,000/-** towards Future medical expenses. The total compensation awarded by this Court comes to **Rs.7,29,263/-**.

8. Thus in all, components awarded by this Court are as below:



| Sl.Nos. | Particulars                                                     | Amount in Rs.     |
|---------|-----------------------------------------------------------------|-------------------|
| 1       | Towards Loss of future earning capacity                         | 5,22,240          |
| 2       | Medical expenses                                                | 8,023             |
| 3       | Towards Pain and Suffering                                      | 50,000            |
| 4       | Towards Loss of amenities                                       | 25,000            |
| 5       | Towards Transportation, extra nourishment and Attendant charges | 30,000            |
| 6       | Towards income during laid up period                            | 64,000            |
| 7       | Future Medical Expenses                                         | 30,000            |
|         | <b>Total</b>                                                    | <b>7,29,263/-</b> |

9. Compensation is enhanced from Rs.3,69,206/- to Rs.7,29,263/-. Hence, the appellant-claimant is entitled for an enhanced compensation of **Rs.3,60,057/-** along with interest at the rate of 6% p.a.

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

**ORDER**

i. Appeal is ***allowed*** in part.



- ii. The judgment and award dated 02.09.2024 passed in MVC No.3968/2023, by VIII Additional Judge, Court of Small Causes and ACJM, Bengaluru, is modified;
- iii. The claimant is entitled to a sum of **Rs.7,29,263/-** along with interest at 6% p.a as from the date of petition till the date of realization, instead of Rs.3,69,206/- granted by the Tribunal.
- iv. Respondent No.1/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.1/Insurance Company is directed to deposit the enhanced compensation of **Rs.3,60,057/-** along with the interest at the rate of 6% within one month from the date of this order.



**NC: 2026:KHC:16188**  
**MFA No. 1416 of 2025**

- v. Petitioner is permitted to withdraw the entire amount along with interest accrued on the same.

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

SHS  
List No.: 1 Sl No.: 7