



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO.4085 OF 2021 (MV-I)

BETWEEN:

SMT. KEMPAMMA W/O PUTTAPPA,
AGE ABOUT 45 YEARS,
R/AT: YELIGEHUDI (S. UTHANAHALLI) VILLAGE,
MYSURU TALUK, MYSURU DISTRICT-571 311.

...APPELLANT

(BY SRI. BHANU PRAKASH H. V, ADVOCATE)

AND:

1. SRI. DHANAJAYAMURTHY S. R.
S/O RAJANNA S. R. R/AT: NO.3,
3RD MAIN, NEAR VIVEKANANDA ESTATE,
SHAKTHI GARDEN, MOODALAPALYA, NAGARABHAVI,
BENGALURU-560072.
2. THE DIVISIONAL MANAGER,
UNITED INSURANCE CO. LTD.,
T. P. HUB, BALLAL CIRCLE,
CHAMARAJAPURAM, MYSURU-570005.

...RESPONDENTS

(BY SRI. L. SREEKANTA RAO, ADVOCATE FOR R2;
V/O DATED 08.12.2025, NOTICE TO R-1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLE ACT, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 18.10.2019 PASSED IN M.V.C.NO.594/2017; ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL AT MYSURU (IN THE COURT OF THE HON'BLE PRINCIPAL JUDGE, SMALL CAUSES AND SENIOR CIVIL JUDGE, MYSURU) AND ETC.,

THIS APPEAL, COMING ON FOR PART HEARD IN ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

Digitally signed by
KHAIJAMEEN
MALACHIAN
Location: HIGH
COURT OF
KARNATAKA



CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Heard Sri. Bhanu Prakash H. V. learned counsel for the appellant as well as Sri. L. Sreekanta Rao, learned counsel for respondent No.2. Both learned counsel appeared through video conference.

02. Being aggrieved by the sum that is awarded as compensation by the Motor Accident Claims Tribunal, Mysuru through orders in MVC.No.594/2017 dated 18.10.2019, claimant therein preferred this appeal.

03. Arguing the matter, learned counsel for appellant contends that appellant is aggrieved by the sum that is awarded as compensation by the Tribunal. Learned counsel states that, appellant sustained grievous injury in a road traffic accident that occurred in the year 2017. She was earning a sum of Rs.10,000/- per month by vending milk and flowers as on the date of accident. Learned



counsel further submits that apart from vending flowers and milk, as coolie she was earning Rs.15,000/- per month. Tribunal erroneously took the notional income of the appellant as Rs.6,000/- per month. Karnataka State Legal Services Authority for settlement of claims is taking the notional income as Rs.11,000/- per month for the relevant period. Hence, the Tribunal ought to have adopted at least said figure. Learned counsel contends that compensation granted under all heads is on the lower side.

04. *Per contra*, learned counsel who represents respondent No.2 states that so far as compensation granted under all heads, except loss of future earnings, the same is justifiable. Learned counsel contends that basing on the submission of learned counsel for the appellant, taking the notional income of the appellant as Rs.11,000/- per month, the appeal be disposed of.



05. It is not in dispute that appellant sustained fracture of both bones of right leg. She also underwent a surgery. Having found justification in the submission made in respect of notional income to be taken, this Court considers desirable to take the notional income of the appellant as Rs.11,000/- per month. Having taken the notional income as Rs.11,000/- per month and without disturbing other parameters i.e., the disability in respect of whole body as 7% and application of appropriate multiplier 13, the compensation which the appellant is entitled to receive towards loss of future earnings comes to Rs.1,20,120/- (Rs.11,000/- x 12 x 13 x 7%).

06. Having considered the nature of injuries sustained, this Court is of the view that, appellant could have taken bed rest at least for a period of 03 months. Thus, loss of earnings during laid up period comes to Rs.33,000/- (Rs.11,000/- x 3).



07. Further, on going through the entire material that is brought on record by the appellant by way of evidence, this Court of the view that appellant is entitled to compensation under following heads:-

Sl. No.	Heads of accounts	Rupees (Rs.)
1	Towards pain and suffering	30,000/-
2	Towards food, extra nourishment, attendant and conveyance charges	20,000/-
3	Towards medical expenses	1,52,000/-
4	Towards loss of earnings during laid up period	33,000/-
5	Towards loss of future earnings	1,20,120/-
6	Towards loss of amenities in life	30,000/-
	Total	3,85,120/-

08. Thus, the appellant is entitled to a sum of Rs.3,85,120/- as compensation. Therefore, the appeal is disposed of with the following:-

ORDER

- I. Appeal is allowed in part.
- II. Compensation that is granted by the Motor Accident Claims Tribunal, Mysuru through orders in MVC.No.594/2017 dated 18.10.2019 is enhanced from Rs.3,05,520/- to Rs.3,85,120/-.



- III. The enhanced sum shall carry interest at the rate of 6% per annum from the date of petition till the date of deposit.
- IV. Respondent No.2 is directed to deposit the enhanced sum within a period of eight weeks from the date of receipt of certified copy of this judgment.
- V. On such deposit, appellant is permitted to withdraw the entire amount.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

KJJ
List No.: 19 SI No.: 2
CT:SI