



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1904 OF 2025 (MV-I)

BETWEEN:

SRI. RAGHU. K
S/O A.V.KRISHNAMURTHY,
NOW AGED ABOUT 40 YEARS,
R/AT: 30, D/202, 2ND FLOOR
SRI LAKSHMI VENKATESHWARA
VILLAGE SWAMY, A.R.LAYOUT,
3RD CROSS, MYLASANDRA,
BEGUR, KOPPA ROAD,
BENGALURU - 560 068.

...APPELLANT

(BY SRI. GIRIMALLAIAH, ADVOCATE)

AND:

1. THE NEW INDIA ASSURANCE COMPANY LTD.,
T.P.HUB, MAHALAKSHMI CHAMBERS
NO.9/2, 2ND FLOOR, M.G.ROAD,
BENGALURU - 560 001
BY ITS MANAGER.
2. MR. SIDDESH. D.R
S/O RUDRAPPA, MAJOR
(AGED OF RESPONDENT NO.2
NOT KNOWN TO APPELLANT)
NO. 160/1, SHAMANNA GARDEN
NEAR YELLAMMA TEMPLE





B.G.ROAD, BILEKAHALLI
BENGALURU - 560 076

...RESPONDENTS

(BY SRI. A.M.VENKATESH, ADVOCATE FOR R1;
VIDE ORDER DATED 23.03.2026, NOTICE TO R2 IS
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 13.01.2025 PASSED IN MVC
NO.7210/2023 ON THE FILE OF THE II ADDITIONAL JUDGE,
ACJM, COURT OF SMALL CAUSES, BENGALURU SCCH-13,
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 the Motor Vehicles Act, 1988 challenging
the judgment and award dated 13.01.2025 passed in MVC
No.7210/2023, by II Additional Judge and ACJM, Court of
Small Causes, 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 13.06.2023 and filed a claim petition claiming compensation of Rs.10,00,000/-. The Tribunal, after considering the entire evidence on record, granted an amount of Rs.1,50,494/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realisation. Aggrieved by the said order, he preferred an appeal.

4. Learned counsel for the appellant contended that petitioner sustained grievous injuries and underwent conservative treatment with POP for six weeks. The doctor assessed the disability of the upper limb as 35% and that of the whole body as 11.66%. The petitioner was on leave for 45 days and he spent Rs.75,000/- towards medical expenses. However, the Tribunal has granted meagre amounts for medical expenses and also under the other



heads and thus requested for enhancement of the compensation.

5. Though it is stated that the petitioner was aged 38 years and was working as a Manager in Schnider Electronics, earning Rs.75,000/- per month, he has not filed any income proof. As he met with an accident in the year 2023, this Court finds it reasonable to take the notional income as Rs.16,000/- per month, as per the chart prepared by the Karnataka State Legal Services Authority. The petitioner was aged 38 years and the multiplier applicable is '15'.

6. As per Ex.P7-Wound Certificate, the petitioner sustained the following injuries which are grievous in nature.

- i) Distal radius lateral cortex fracture.
- ii) Ulnar articular fracture.
- iii) 5th metacarpal fracture.



PW2-doctor stated that the following points were noted at the time of disability assessment:

- i) Mild swelling of writ and forearm.
- ii) Pain and Tenderness over the fracture site and wrist joint and wasting of forearm muscles.
- iii) Range of movements of elbow, wrist restricted
- iv) Deformity at wrist joint.
- v) xray shows fracture mal union.
- vi) Daily activities which requires over head abduction, lifting weight were found to be difficult.

And also stated that petitioner underwent conservative treatment in the form of POP surgery. He assessed the permanent physical disability of the upper limb as 35% and of the whole body as 12%. He further stated that the injuries are permanent in nature and the petitioner has difficulty in attending his daily routine activities. In the cross-examination, it was stated that he is not a treated doctor and he observed that there was mal union of the fracture. Therefore, this Court finds it



appropriate to consider one-third of 35% ie., 12% disability for the purpose of calculation. But the Tribunal has taken only 3% disability on the ground that the petitioner was treated conservatively and the said finding is not on proper appreciation of facts. This Court finds it reasonable to rely upon the medical evidence and to take the disability as 12%. The loss of future earning capacity comes to Rs.16,000/- x 12 x 15 x 12% = **Rs.3,45,600/-**. The petitioner has incurred Rs.13,094/- towards medical expenses as per Ex.P9-Medical bills and it is confirmed. The petitioner was treated as an outpatient. Though it is stated that the petitioner was on leave for a period of 45 days, he has not filed any record. In fact he has not filed any document to prove his occupation and income as well. Therefore, considering the nature of the injuries, this Court finds it reasonable to grant an amount of Rs.40,000/- for Pain and Suffering, Rs.20,000/- for loss of amenities. He might not have attended any other work at least for a period of three months. Therefore, the loss of



income during the laid up period is Rs.48,000/- and an amount of Rs.30,000/- is to be granted towards transportation, extra nourishment and attendant charges.

7. Thus in all, components awarded by this court are as below:

Particulars	Amount in Rs.
Loss of future earning capacity	3,45,600
Pain and suffering	40,000
Medical Expenses	13,094
Loss of amenities	20,000
Loss of income during laid up period	48,000
Transportation, Extra nourishment and Attendant charges	30,000
Total	4,96,694

8. Compensation is enhanced from Rs.1,50,494/- to Rs.4,96,694/-. Hence, the appellant-claimant is entitled for an enhanced compensation of **Rs.3,46,200/-** along with interest at the rate of 6% p.a.



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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 13.01.2025 passed in MVC No.7210/2023, by II Additional & ACJM, Court of Small Causes, Bengaluru, is modified;
- iii. The claimant is entitled to a sum of **Rs.4,96,694/-** along with interest at 6% p.a as from the date of petition till the date of realization, instead of Rs.1,50,494/- granted by the tribunal.
- iv. Insurance company already deposited the awarded amount before the Tribunal. Therefore, respondent No.1/Insurance Company is directed to deposit the enhanced compensation of **Rs.3,46,200/-**



with 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

SHS
List No.: 1 Sl No.: 8