



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 1980 OF 2025 (MV-I)

BETWEEN:

PANKAJA
W/O LATE PAPANNA,
AGED ABOUT 50 YEARS,
RESIDING AT TALEKOPPA VILLAGE,
CHELUR HOBLI, GUBBI TALUK,
TUMAKURU DISTRICT.
NOW RESIDING AT
9TH CROSS, SIRAGATE,
TUMAKURU CITY - 572 106.

...APPELLANT

(BY SRI. SHANTHARAJ K., ADVOCATE)

AND:

1. KIRANKUMAR M S
S/O SHIVANNA,
AGED ABOUT 31 YEARS,
RESIDING AT SINGRAHALLI VILLAGE,
KORATAGERE TALUK,
TUMAKURU DISTRICT - 572 129.
2. THE MANAGER,
UNITED INDIA INS.CO., LTD.,
BRANCH OFFICE, JAYADEVA COMPLEX,
B.H.ROAD, 1ST FLOOR,
TUMAKURU CITY - 572 103.





3. M/S. MAHAVEER TRANSPORT PVT.LTD.,
NO.A-41, DEVARAJ URS, TRUCK TERMINAL,
KANTIRAVA STUDIO
YASHWANTHPURA,
BENGALURU - 560 022.
OWNER OF THE VEHICLE

4. THE MANAGER,
UNITED INDIA INS.CO., LTD.,
BRANCH OFFICE, JAYADEVA COMPLEX,
B.H.ROAD, 1ST FLOOR,
TUMAKURU CITY - 572 103.

...RESPONDENTS

(BY SRI. C. SHANKAR REDDY, ADVOCATE FOR R2 AND R4
VIDE ORDER DATED 24.04.2026,
NOTICE TO R1 AND R3 D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 23.08.2024 PASSED IN MVC
NO.836/2020 ON THE FILE OF THE II ADDITIONAL SENIOR
CIVIL JUDGE, MACT ,TUMAKURU, 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/petitioner under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 23.08.2024 passed in MVC No.836/2020 on the file of the II Addl. Senior Civil Judge and MACT, Tumakuru for enhancing the compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent Nos.2 and 4. Vide order dated 24.04.2026 notice to respondent Nos.1 and 3 are dispensed with. The ranks of the parties are retained as per tribunal for the sake of convenience.

3. The petitioner/injured appellant 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.1,47,578/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realisation. Being aggrieved by the said order, this appeal is filed.



4. The petitioner/injured claimant met with an accident on 03.01.2020. She was working as an agriculturalist and earning a sum of Rs.20,000/- p.m. Therefore, the Tribunal has considered her income as Rs.13,000/- per month, which is on lower side. Due to the injuries sustained in the accident, she was admitted in the hospital as an inpatient for 11 days. She examined the doctor as PW.10, who is an Orthopedic Surgeon, and he assessed the disability of the right upper limb at 30%, left upper limb at 30% and 20% to the whole body. But the Tribunal has not granted any amount under future earning capacity and the amounts granted under other heads are on the lower side. Interest is to be granted at the rate of 12%. Therefore, requested for enhancement of the compensation.

5. Though the petitioner stated that she is doing agricultural coolie work and earning Rs.12,000/- per month. She has not produced any income proof. As she met with an accident in the year, 2020, her notional



income is to be taken as Rs.14,500/- per month as per chart prepared by the Karnataka State Legal Service Authority. The Tribunal considered her age as 50 years as per her own admission. The multiplier applicable is '13'. Petitioner filed Ex.P.4-Wound certificate and Ex.P.7-Discharge card. The Doctor stated that the petitioner sustained the following injuries:

" 1) Left wrist volar bartars fracture

2) Fracture shaft right humerous

And she was treated with closed interlock nailing right arm and closed K-wire fixation over left wrist, and discharged on 15.01.2020 with advise to come for follow-up as outpatient.

Recent examination on 25.07.2023, X-ray of right arm shows fracture united with implant in situ and left wrist fracture united.

She has permanent partial disability of 30% of right upper limb, 30% of left upper limb and 20% disability of whole body.

She needs implant removal at right arm and approximate expenditure for the same is about Rs.45,000/- to 50,000/-"

6. Doctor assessed the permanent partial disability at 30% to the right lower limb, 30% to the left upper limb and 20% to the whole body. He further stated that she



requires another surgery for removal of implants and the estimated cost of the surgery is Rs.45,000/- to Rs.50,000/-. Therefore, considering the medical records, this Court finds it reasonable to take her disability as 20% and she is entitled for future prospects as per the judgment of Hon'ble Apex Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation¹***, as she was aged 50 years at the time of accident, she is entitled for future prospects at 25%. Thus, the 'loss of future earning capacity' would come to **Rs.5,65,500/-** (Rs.14,500/- + 25% x 12 x 13 x 20%). The Tribunal has granted **Rs.1,05,578/-** towards 'medical expenses' and the said amount is confirmed. She was admitted in the hospital as an inpatient for 10 days. Considering the nature of injuries, period of hospitalization, her age and occupation, this Court finds it reasonable to grant an amount of **Rs.50,000/-** towards 'pain and suffering', **Rs.25,000/-** towards 'loss of amenities', **Rs.30,000/-** towards

¹ (2009) 6 SCC 121



'transportation, nourishment, attendant charges'.
Petitioner might not have attended any work for at least for a period of three months. Therefore, she is entitled for a sum of **Rs.43,500/-** (14500 X 3) towards 'loss of income during laid-up period'. This Court finds it reasonable to grant an amount of **Rs.45,000/-** towards 'future medical expenses'.

7. 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	1,05,578/-
3.	Towards loss of amenities	25,000/-
4.	Towards transportation, nourishment, attendant charges	30,000/-
5.	Towards future medical expenses	45,000/-
6.	Towards loss of during laid up period	43,500/-
7.	Towards loss of future earning capacity	5,65,500/-
	Total	8,64,578/-



8. Hence, the appellant-claimant is entitled for a total compensation of Rs.8,64,578/- along with interest at the rate of 6% p.a.

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

ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 23.08.2024 passed in MVC No.836/2020 on the file of the II Addl. Senior Civil Judge and MACT, Tumakuru, is modified.
- iii. The appellant-petitioner is entitled to a sum of **Rs.8,64,578/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.1,47,578/- granted by the Tribunal.
- iv. Respondent No.4/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent



No.4/Insurance Company is directed to deposit the enhanced compensation of **Rs.7,17,000/-** 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

AMM
List No.: 1 Sl No.: 10