



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. 1963 OF 2025 (MV-I)

BETWEEN:

SOWMYA
W/O RAMAKRISHNACHARI,
AGED ABOUT 42 YEARS,
RESIDING AT 1ST MAIN ROAD,
1ST CROSS, OPPOSITE KAMADENU FINANCE,
KAVERIPURA, KAMAKSHI PALYA,
BENGALURU - 560 079.

...APPELLANT

(BY SRI. SHANTHARAJ K, ADVOCATE)

AND:

1. KIRAN KUMAR 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.
OWNER OF VEHICLE





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

THIS MFA ID FILED U/S 173(1) OF MV ACT ,AGAINST
THE JUDGMENT AND AWARD DT.23.08.2024 PASSED IN
MVC.NO.838/2020 ON THE FILE OF THE II ADDITIONAL
SENIOR CIVIL JUDGE, TUMAKURU, PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION 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.838/2020 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 No.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. Injured petitioner met with an accident on 03.01.2020 and filed claim petition claiming compensation of Rs.10,00,000/-. The Tribunal considered the entire evidence on record granted an amount of Rs.3,87,226/- with interest at the rate of 6% per annum from the date of petition till its realization.



4. Aggrieved by the said order, this appeal is filed and mainly contended that the petitioner was aged 37 years, working in an ornaments shop and earning Rs.20,000/- per month. But the Tribunal has erred in assessing her monthly income at Rs.13,000/-, which is on lower side. It is further contended that she was admitted in the hospital as an inpatient for 15 days and spent Rs.2,00,000/- towards medical expenses. She examined the Doctor as PW.10, who stated that the petitioner sustained permanent disability to the extent of 30% to the right lower limb and 10% to the whole body. Despite the same, the Tribunal granted meagre amounts under the other heads. Interest is to be granted at the rate of 12% per annum. Therefore, requested for enhancement of the compensation.

5. The petitioner stated that as per Ex.P.14-Wound certificate, he is aged 37 years and the relevant multiplier is '15'. There is no income proof has been produced, this Court finds it reasonable to take her notional



income as Rs.14,500/-. She met with an accident in the year 2020. Petitioner filed wound certificate and discharge summary. She examined the Doctor. Doctor stated that the petitioner sustained following injuries

" On examination

1) Fracture of right tibial condyle

And he was treated with open reduction and internal fixation i.e. locking compression plate and screw and discharged on 15.01.2020 with advise to come for follow-up as outpatient.

X-ray shows fracture united with implant in situ.

On clinical examination now her right knee flexion limited to 0-90 degree with secondary osteoarthritis changes at knee joint present and condliya wasting i.e. Grade-IV power present. She is unable to squat arid sit cross leg, and unable to do heavy walk.

She has permanent partial disability of 30% of right leg and 10% disability of whole body,

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

6. Doctor assessed the petitioner's permanent partial disability at 30% to the right limb and 10% to the whole body. He further stated that she requires another surgery for removal of implants and estimated the cost of



Rs.45,000/- Rs.50,000/-. This Court finds it reasonable to take the disability at 10%. Thus. the 'loss of future earning capacity' come to **Rs.2,61,000/-** (Rs.14,500/- x 12 x 15 x 10%). Tribunal has granted **Rs.1,01,226/-** towards medical expenses and the said amount is confirmed. She was admitted in a hospital for 10 days. Considering the nature of injuries, period of hospitalization, age and other relevant factor, 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 'transportation and extra nourishment, attendant charges'. Petitioner might not have attended any work for at least for a period of three months. Therefore, the petitioner is entitled **Rs.43,500/-** under the head of 'loss of income during laid-up period' and he is also entitled for **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	1,01,226/-
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	2,61,000/-
	Total	5,55,726/-

8. Hence, the appellant-claimant is entitled for a total compensation of Rs.5,55,726/- 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.838/2020 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.5,55,726/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.3,87,226/- 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.1,68,500/-** 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.: 0