



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2032 OF 2025 (MV-I)

BETWEEN:

1. ASHWATH D G

S/O JNANENDRACHARI,

AGED ABOUT 31 YEARS,

R/AT DINKASHETTAHALLI VILLAGE,

CHINAKURALI HOBLI,

PANDAVAPURA TALUK-571439.

...APPELLANT

(BY SRI. SREENIVASAN M.Y., ADVOCATE)



AND:

1. VINAY S

S/O SIDDASHETTI,

AGED ABOUT 35 YEARS,

R/AT ARCAT ROAD, GANJAM,



SRIRANGAPATNA TOWN AND TQ,
MANDYA DISTRICT - 571 438.

2. THE MANAGER,
IFFCO-TOKIO GENRAL-INSURANCE CO.LTD.,
NO.846, NEW KANTHARAJA URS ROAD,
AKSHAYA BHANDARA,
KUVEMPUNAGARA,
MYSURU-570005.

...RESPONDENTS

(BY SRI. B. PRADEEP, ADVOCATE FOR R2
VIDE ORDER DATED 10.02.2026, NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED.01.06.2024 PASSED IN MVC
NO.807/2022 ON THE FILE OF THE ADDITIONAL SENIOR
CIVIL JUDGE, MACT, PANDAVAPURA, 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

Heard the arguments of both sides.

2. This appeal is filed against the award of the Tribunal in MVC No.807/2022 dated 01.06.2024 passed by the Additional Senior Civil Judge and MACT at Pandavapura.

3. Injured claimant met with an accident on 09.03.2022 and filed claim petition claiming compensation of Rs.20,00,000/-. Tribunal considered the entire evidence on record and granted an amount of Rs.2,39,326/- with interest at the rate of 6% per annum from date of petition till realisation.

4. Aggrieved by the said order, he preferred an appeal and mainly contended that as per Ex.P-2 he sustained injuries which are grievous in nature and he was in the hospital as an inpatient for 7 days. He examined the doctor as PW-2 and he assessed the whole body disability as 7%. But the Tribunal erred in taking the same as 3%. Petitioner was doing agriculture and was earning Rs.20,000/- per month. But the Tribunal has taken his income as Rs.11,473/- which is on lower side and the amounts granted under all other heads are



meager and thus requested for enhancement of the compensation.

5. Though it is stated that petitioner was working in Kalyan Jewellers and also doing agriculture and earning Rs.30,000/- per month, he has not filed any income proof. As he met with an accident in the year 2022 his notional income is to be taken as Rs.15,500 as per the chart prepared by Karnataka State Legal Services Authority. He was aged 28 years and the multiplier is '17'. As per Ex.P-2 Wound Certificate he sustained Abrasion over the left knee, Pain over the left knee joint. Sutured wound over the forehead and pain over the nose with abrasion. Displaced fracture of right metacarpal bone, Chip #of distal phalanx with adjacent soft tissue irregularity in left hand and Lateral displaced segmental in left leg which are grievous in nature.

6. He also examined the doctor as PW-2 and he stated that petitioner suffered pain and abrasion in left knee, scratch wounds in both knees, sutured wound over forehead, pain and scratch wounds in nose, face and right hand. CT scan was done and as per CT scan patient suffered fracture of nasal bone. On



11.03.2022 he conducted surgery to nasal bone with CRIF and soft tissue repair was done. Petitioner took treatment as outpatient. Recently, on 19.03.2024, he examined petitioner and he complaints of pain in left knee, head ache, giddiness and inability to work, difficulty in riding motorcycle, difficulty in chewing hard food, unable to lift heavy objects on head. PW-2 further deposed, that he suffered loss of muscles in face and 7% disability with respect to upper limb. Considering the medical evidence, the tribunal has taken 1/3rd of 7% as 3% and it is to be confirmed. Thus, the loss of future earning capacity comes to Rs.94,860/- (15,500 x12x17x3%). Tribunal granted Rs.66,000/- towards medical expenses as per Ex.P3 Medical bills and it is confirmed.

7. Considering the nature of injuries, period of hospitalisation tribunal granted Rs.50,000/- towards pain and suffering and it is confirmed and he is also entitled for Rs.25,000/- towards loss of amenities and Rs.30,000/- towards transportation, extra nourishment and attendant charges. Petitioner might not have done any other work. At least, for a period of three months. Therefore, Rs.46,500/-(15,500x3) is to



be granted under the head loss of income during laid up period.
The total compensation is enhanced from Rs.2,39,326/- to
Rs.3,12,360/-.

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

ORDER

- i. Appeal is ***allowed*** in part.
- ii. The judgment and award dated 01.06.2024 passed in MVC No.807/2022 on the file of the Additional Senior Civil Judge and MACT, Pandavapura is modified.
- iii. The claimants are entitled to a sum of **Rs.3,12,360/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.2,39,326/- granted by the tribunal.
- iv. Respondent No.2/Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.73,034/-**



along with the interest at the rate of 6% within one month from the date of this order.

- v. On such deposit, petitioner/claimant is permitted to withdraw the entire amount along with interest accrued on the same.
- vi. On 27.02.2026, the delay of 158 days is condoned by this Court on the condition that the claimant will not be entitled for the interest in case of enhancement. Hence, respondent No.2 is not liable to pay the interest for the delayed period.

Sd/-
(P SREE SUDHA)
JUDGE

VS
List No.: 1 SI No.: 25