



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 2316 OF 2024 (MV-I)

BETWEEN:

1. RAJU T.G.,
S/O GIRIYAPPA D G.,
NOW AGED ABOUT 22 YEARS,
R/A THUMBAADI,
KORATAGERE (RURAL)
TUMKUR - 572129.

...APPELLANT

(BY SRI. RAGHU R, ADVOCATE)

AND:

1. NARESH KUMAR REDDY D,
MAJOR, M/S SNEHA FARMS PVT LTD.,
SY NO. 114/2, ANESIDRI (V)
HIRIYUR (TALUK)
CHITRADURGA - 577511.
2. THE MANAGER
UNIVERSAL SOMPO GEN INS CO LTD.,
REGIONAL OFFICE, KVD TOWERS,
NO. 7/3, 2ND FLOOR,
ABOVE BARCLAYS FINANCE,
OPP 100 FEET ROAD,
OLD MADRAS ROAD,





INDIRANAGAR
BENGALURU - 560038.

...RESPONDENTS

(BY KUM. SONALI, ADVOCATE FOR
SRI. D. VIJAYAKUMAR, ADVOCATE FOR R2
VIDE ORDER DATED 23.04.2026, NOTICE TO R1
DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 02.06.2023 PASSED IN MVC
NO.1016/2022 ON THE FILE OF THE VII ADDITIONAL SCJ AND
ACMM, MEMBER, MACT-3, BENGALURU, 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/claimant under
Section 173(1) of Motor Vehicles Act, 1988 challenging the
judgment and award dated 02.06.2023 passed in MVC
No.1016/2022 on the file of the VII Additional SCJ and



ACMM, Member, MACT-3, Bengaluru seeking enhancement of compensation.

2. Heard the arguments of the learned counsel for the appellant and learned counsel for respondent No.2/Insurance Company. The ranks of the parties are retained as before the Tribunal for the sake of convenience.

3. The petitioner/injured claimant met with an accident on 09.10.2021 and filed a petition before the Tribunal for compensation of Rs.20,00,000/-. The Tribunal considering the entire evidence on record granted an amount of Rs.5,96,241/- with interest at the rate of 6% p.a., from the date of filing the petition till the date of realization. Being aggrieved by the said order, he preferred an appeal and mainly contended that the petitioner was a Diploma student, undergoing training at Indo-mim, Doddaballapura Industrial area and earning Rs.16,000/- per month. The petitioner examined the doctor as PW.3 and he assessed the disability of the left



lower limb as 42% and the whole body as 14%, but the Tribunal erred in taking the disability as 10%. It is further contended that the amount granted by the Tribunal under other heads are meager and thus, requested for enhancement of the compensation.

4. Learned counsel for respondent No.2 stated that the Tribunal gave reasons in paragraph Nos.19 and 20 of the judgment for taking the disability as 10%. It is further submitted that PW.3 in his cross-examination admitted that he is not a treated doctor and that there is no loss of academic year for him due to the injuries sustained in the accident.

5. As per Ex.P12 – trainee report, it can be presumed that the petitioner was under training, but it was not stated in the said document that he was earning Rs.16,000/- per month. As there is no proof of income, this Court finds it reasonable to take the notional income of Rs.15,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. As he met with



an accident in the year 2021 and he was aged 20 years, the relevant multiplier applicable is 18.

6. The petitioner has also filed Ex.P8 - Wound Certificate and inpatient and outpatient records under Ex.P19 and Ex.P20. The petitioner has also examined the doctor as PW.3, an Orthopaedic surgeon and he stated that the petitioner sustained a right iliac wing fracture, left superior and inferior public rami fractures and fracture of the left distal end of the radius. The petitioner was treated with ORIF with plate & screws and screw for the right iliac wing and closed reduction for the left distal radius. The petitioner complains of pain and weakness in the right hip, unable to walk normally and difficulty in sitting down, squatting and sitting cross-legged.

On examination, the petitioner had a healed scar over the gluteal region, wasting of the gluteal muscles and restricted hip movements. X-ray of the pelvis with both hips shows a united fracture of the ilium with implant in situ and united fractures of the left superior and inferior



rami. PW.3 assessed the disability of the left lower limb as 42% and that of the whole body as 14%. It is further stated that the petitioner requires another surgery for removal of the implants and estimated the cost of the surgery as Rs.60,000/-.

In the cross-examination, PW.3 stated that he verified the discharge summary and wound certificate but had not seen petitioner's inpatient record. He further stated that the fracture of the radius will not cause any obstruction to the studies and the petitioner was treated conservatively for the radius. Considering the medical evidence on record, this Court finds it reasonable to take the disability as one-third of 42% ie., 14% instead of 10% taken by the Tribunal without any basis. Therefore, the loss of future earning capacity comes to Rs.15,000/- x 12 x 18 x 14% = **Rs.4,53,600/-**. The Tribunal has granted **Rs.1,99,241/-** towards medical expenses as per Ex.P13 to Ex.P15 and the said amount is confirmed. The petitioner was admitted in the hospital for a period of 8 days.



Considering the nature of injuries, period of hospitalisation and other relevant factors this Court finds it reasonable to grant an amount of **Rs.50,000/-** towards pain and suffering, **Rs.30,000/-** towards loss of amenities, **Rs.30,000/-** towards transportation, extra nourishment and attendant charges. The petitioner might not have attended any other work at least for a period of 3 months. Therefore, **Rs.45,000/-** (Rs.15,000/- x 3) is to be granted under the head loss of income during the laid up period. The petitioner is also entitled for **Rs.30,000/-** towards future medical expenses.

7. Thus in all, compensation awarded by this Court is as below:

Particulars	Amount in Rs.
Loss of future earning capacity	4,53,600
Medical Expenses	1,99,241
Pain and Suffering	50,000
Loss of amenities	30,000
Transportation, extra nourishment and attendant charges	30,000
Loss of income during laid up period	45,000
Future Medical Expenses	30,000
Total	8,37,841



8. Hence, the appellant-claimant is entitled for a total compensation of Rs.8,37,841/- 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 02.06.2023 passed in MVC No.1016/2022 on the file of the VII Additional SCJ and ACMM, Member, MACT-3, Bengaluru, is modified.
- iii. The claimant is entitled to a sum of **Rs.8,37,841/-** along with interest at 6% per annum from the date of petition till the date of realization, instead of Rs.5,96,241/- granted by the tribunal.
- iv. Insurance Company has already deposited the awarded amount before the Tribunal. Therefore, respondent No.2 is directed to



deposit the enhanced compensation of
Rs.2,41,600/- along with the interest at
the rate of 6% within one month from the
date of this order.

- v. Petitioner is permitted to withdraw the
entire amount along with interest accrued
on the same.
- vi. The claimant is not entitled for interest for
the delay period of 200 days as per the
order on I.A.No.1/2024 dated 23.04.2026.

Sd/-
(P SREE SUDHA)
JUDGE

SHS
List No.: 1 Sl No.: 8