



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.3606/2020 (MV-I)

BETWEEN:

SRI. MAHESHA
S/O MAHALINGAIAH
AGED ABOUT 46 YEARS
R/O YACHANAGATTA
NUGGEHALLY HOBLI
CHANNARAYAPATNA TALUK
NOW R/O C.O NATARAJU
NO.192, 3RD CROSS
VIJAYANAGARA
NEAR JAGANATHA CHOULTRY
TUMAKURU-560032.



...APPELLANT

(BY SRI. RAMESH KUMAR R.V. ADV.,)

AND:

1. SMT. MANJULA
W/O JAGADEESHA
AGED ABOUT 40 YEARS
R/O NO.2, KENKERE, ARSIKERE TALUK
HASSAN DISTRICT-572192
(R.C OWNER OF OFFIENDING VEHICLE
BEARING REG NUMBER KA-13-EK-4011)
(PLACED EX PARTE).
2. THE MANAGER
IFFCO TOKIYO GENERAL INS CO LTD.
1ST FLOOR, BNR ARCADE



NC: 2026:KHC:16533
M.F.A. No.3606/2020

AYAPPA TEMPLE ROAD
JALAHALLI CROSS , PEENYA
BENGALURU-560087.

...RESPONDENTS

(BY SRI. B.C. SHIVANNE GOWDA, ADV., FOR R2)

THIS MFA IS FILED U/S.173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DT.01.02.2020 PASSED IN MVC NO.728/2018 ON THE FILE OF THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

This appeal is filed by the injured appellant challenging the judgment and award dated 01.02.2020 passed in MVC.No.728/2018 by the VI Additional District & Sessions Judge, Tumakuru, (for short 'the Tribunal').

2. Though this appeal is listed for admission, with the consent of the learned counsel for the parties, it is taken up for final disposal.



3. Sri.Ramesh Kumar R.V., learned counsel appearing for the appellant submits that the Tribunal has committed a grave error in assessing the income of the injured appellant at Rs.8,000/- per month and in awarding meager compensation under the heads of pain and suffering, loss of amenities and other conventional heads. It is submitted that though PW2 has opined that the appellant would require a minimum amount of Rs.40,000/- towards future medical treatment; however, the Tribunal has awarded only Rs.20,000/-. Accordingly, he seeks to allow the appeal.

4. Per contra, Sri.B.C.Shivanne Gowda, learned counsel for respondent No.2 supports the impugned judgment and award of the tribunal and submits that the appellant has sustained only a fracture of the tibia and for such an injury, there cannot be any future medical expenses of Rs.40,000/-. It is submitted that the Tribunal, considering the evidence on record, has awarded just and



reasonable compensation and there is no scope for enhancement. Accordingly, he seeks to dismiss the appeal.

5. I have heard the arguments on both the sides and meticulously perused the material available on record including the Tribunal records.

6. The parties to the proceedings do not dispute that the appellant met with a road accident on 24.12.2017 and sustained following injuries:

- "i) Deformity, swelling right knee joint - compound fracture upper third right tibia as opinion given by orthopedic surgeon, Adithya Trauma Center, Tumakuru.*
- ii) Cut lacerated wound over anterior part of right medial malleous.*
- iii) Cut lacerated wound b/w 3rd and 4th toe at right foot. Edges irregular, bleeding present."*

7. In order to substantiate the claim, the injured appellant examined himself as PW1 and also examined Dr.Thyagaraju as PW2 and got marked Ex.P1 to Ex.P14. The respondent did not adduce any evidence. Considering the oral evidence of PW2 and other medical evidence available on record, the Tribunal assessed the disability at



13%. In my view, the same is in accordance with the evidence on record and does not call for any modification. Admittedly, the appellant has not produced any proof to establish his income at Rs.12,000/- per month from his bakery work. In the absence of such proof, his income is notionally reassessed at Rs.11,000/- per month by placing reliance on the notional income chart prepared by the KSLSA. It is also not in dispute that the claimant was aged about 47 years at the time of the accident; hence, the appropriate multiplier would be 13, which has been rightly considered by the Tribunal. Having reassessed the income of the appellant/claimant, the appellant/claimant is entitled to compensation under the head of ***loss of future income due to disability*** as under:

$$\text{Rs.11,000} \times 12 \times 13 \times 13\% = \textbf{Rs.2,23,080/-}.$$

8. The award of compensation by the Tribunal under the heads of medical expenses and attendant, food, nourishment charges etc., remains unaltered. The Tribunal considering the nature of injuries sustained, the treatment



provided and the oral evidence of PW2 was fully justified in awarding compensation of Rs.20,000/- under the head of future medical expenses which does not call for any interference. However, taking note of the oral and documentary evidence on record and considering the fact that the appellant was hospitalized as an inpatient for nearly 12 days and underwent treatment for the aforesaid injuries, I am of the considered view that the compensation awarded by the Tribunal under other heads is required to be reassessed by appropriately enhancing the same. Accordingly, the appellant is entitled to the modified compensation as under:

HEADS	AMOUNT (in Rs.)
Pain & suffering	45,000
Loss of amenities	45,000
Medical expenses	76,341
Loss of income during laid-up period (Rs.11,000 x 3)	33,000
Loss of future income due to disability	2,23,080
Towards conveyance, attendant charges, food and nourished food	25,000
Future medical expenses	20,000
Total	4,67,421



Thus, the appellant-claimant shall be entitled to total compensation of **Rs.4,67,421/-** as against Rs.3,62,000/- awarded by the Tribunal.

9. In the result, this Court proceeds to pass the following:

ORDER

- a) Appeal stands ***allowed in part.***
- b) The impugned judgment and award of the Tribunal is modified to an extent that the appellant-claimant would be entitled to total compensation of **Rs.4,67,421/-** as against Rs.3,62,000/- awarded by the Tribunal.
- c) The enhanced compensation amount shall carry interest at the rate of 6% per annum from the date of petition till the date of payment.
- d) The Insurance Company shall deposit the enhanced compensation amount with



accrued interest before the Tribunal within
a period of six weeks from the date of
receipt of certified copy of this judgment.

- e) On such deposit, the Tribunal shall release
the entire enhanced compensation
amount in favour of the appellant.
- f) The Registry is directed to transmit the
records to the Tribunal forthwith.
- g) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 19