



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3180 OF 2024 (MV-I)

C/W

MISCELLANEOUS FIRST APPEAL NO. 114 OF 2024 (MV-I)

IN MFA No. 3180/2024

BETWEEN:

1. LAKSHMAN
S/O RAMANAND
NOW AGED ABOUT 40 YEARS
R/AT GHURAPALLI
SANT KABIR NAGAR
UTTAR PRADESH 272271

...APPELLANT

(BY SRI. RANGEGOWDA N R.,ADVOCATE)

AND:

1. MANJUNATH C
S/O D CHANNGE GOWDA
AGED MAJOR
RA/T NO 06
1ST MAIN 4THC ROSS
UAS LAYOUT
NEAR NTI BUS STOP
BANGALORE 560094





2. NATIONAL INS COMPANY LTD
NO 144, 2ND FLOOR
SHUBHARAM COMPLEX
M G ROAD
BANGALORE 560001

...RESPONDENTS

(BY SRI.JANARDHAN REDDY., ADVOCATE FOR R2)

(V/O DATED 13.02.2026 NOTICE TO R1 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.11.2023 PASSED IN MVC NO. 1390/2022 ON THE FILE OF THE VIII ADDITIONAL SMALL CAUSES JUDGE, ACMM, MEMBER, MACT, BENGALURU (SCCH-5) PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO. 114/2024

BETWEEN:

1. NATIONAL INSURANCE CO LTD.,
144, 2ND FLOOR
SUBHARAM COMPLEX
M.G. ROAD,
BANGLAORE 560 001
REP BY ITS MANAGER

...APPELLANT

(BY SRI. JANARDHAN REDDY.,ADVOCATE)

AND:



1. SRI LAKSHMAN
S/O RAMANANDA
AGED ABOUT 40 YEARS
R/AT GHURAPALLI
SANT KABIR NAGAR
UTTAR PRADESH 272 271

2. SRI. MANJUNATH .C
S/O D. CHANNAGE GWOA
MAJOR IN AGE
R/AT NO.6
1ST MAIN
4TH CROSS
UAS LAYOUT
NEAR NTI BUS STOP
BANGALORE 560 094
(OWNER OF THE CAR NO.KA-03-MB-8979)

...RESPONDENTS

(BY SRI. RANGEGOWDA N R.,ADVOCATE FOR R1)

(V/O DATED NOTICE TO R2 IS D/W)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 03.11.2023 PASSED IN MVC NO.1390/2022 ON THE FILE OF THE VIII ADDITIONAL SCJ AND ACMM, MEMBER, MACT, BENGALURU, SCCH-5. AWARDING COMPENSATION OF RS.7,48,882/- WITH INTEREST AT 6 PERCENT P.A. FROM THE DATE OF PETITION TILL REALIZATION.

THESE APPEALS, COMING ON FOR ADMISSION, 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. MFA.No.3180/2024 is filed by the appellant-claimant against the judgment and the award of the tribunal passed in MVC.No.1390/2022 dated 03.11.2023 by the VIII Additional Small Causes Judge and ACMM, Member- MACT, Bengaluru.

3. Injured - claimant met with an accident on 12.10.2021 and filed claim petition claiming compensation of Rs.25,00,000/-. The tribunal considering the entire evidence on record granted Rs.7,48,882/- with interest at the rate of 6% per annum from the date of petition till realisation.

4. Aggrieved by the said judgment and award, the injured - claimant filed MFA.No.3180/2024 and contended that the amount granted by the tribunal is inadequate. The doctor assessed the disability as 46% to the left lower limb



and 23% to the whole body. But the tribunal erred in taking the same as 20%, and the interest is to be granted at the rate of 9%. Amounts granted under the other heads are meager, and thus requested for enhancement of the compensation.

5. The Insurance company also filed MFA.No.114/2024 disputing the quantum, and they mainly contended that the notional income is to be taken as Rs.15,000/-. But the tribunal erred in taking the same as Rs.15,744/- and the disability is to be taken as 15% but the tribunal excessively took it as 20% and the liability is fixed on them without looking into ExP18-MLC and thus requested for modification of the order.

6. It is stated that the petitioner/appellant was aged 38 years, working as a carpenter and earning Rs.20,000/- per month, but he has not filed any income proof. The tribunal observed that he was a skilled labour and took his wages as Rs.15,744/- as per the Minimum Wages Act as it is a beneficial legislation, whichever



beneficial to the litigant is to be taken. Admittedly, he has not filed any income proof. Whenever there is no income proof this Court is relying upon the chart and taking notional income for the purpose of calculation. As the accident occurred in the year 2021 and as there is no income proof, this Court finds it reasonable to take his notional income as Rs.15,000/- per month and he was aged 38 years as per Ex.P15 and the multiplier applicable is '15'.

7. Petitioner sustained a left III B open fracture both bones leg, left 1st, 2nd metatarsal fracture, for which he underwent for wound debridement, external fixation of tibia, K-wire fixation for metatarsal fracture as per Ex.P6 wound certificate.

8. Appellant/claimant also examined PW4- doctor and issued a disability certificate, in which the doctor assessed the physical disability of 46% in the left lower limb and 23% to the whole body and it is further observed that fractures are not united and thus the tribunal has



considered the whole body disability as 20%. But, 1/3rd of 46% comes to 15%. Therefore, this Court finds it reasonable to modify the disability as 15%. Loss of future earning capacity comes to Rs.15,000/- x12x15x15% = Rs.4,05,000/-.

9. The tribunal granted Rs.1,21,354/- towards medical expenses as per the relevant bills and it is confirmed that he was in the hospital for a period of 13 days. Considering the nature of injuries, malunion of the fractures and other relevant factors, this Court finds it reasonable to grant an amount of Rs.60,000/- for pain and sufferings, Rs.30,000/- for loss of amenities and Rs.40,000/- for transportation, extra nourishment and attending charges. The petitioner might not have done any other work at least for a period of 4 months. Therefore, Rs.60,000/- is to be granted under the head loss of income during the laid up period.



10. The total compensation comes to Rs.4,05,000/-
+Rs.1,21,354/- + Rs.60,000/-+ Rs.30,000/- +
Rs.40,000/- + Rs.60,000/- = Rs.7,16,354/-.

11. Thus, in all, the claimant is entitled for the
following compensation:

SL.NO.	PARTICULARS	AMOUNT (IN.RS.)
1.	Loss of future earning capacity	4,05,000.00
2.	Medical expenses	1,21,354.00
2.	Pain and sufferings	60,000.00
3.	Loss of amenities	30,000.00
4.	Transportation, extra nourishment and attendant charges	40,000.00
5.	Loss of income during laid up period	60,000.00
	TOTAL	7,16,354.00

12. The Tribunal has awarded the compensation of
Rs.7,48,882/- but the appellant/claimant is entitled to
reduced total compensation of Rs.7,16,354/-.



Compensation is reduced from Rs.7,48,882/- to Rs.7,16,354/-.

13. Accordingly, I proceed to pass the following:

ORDER

- i. The appeal filed by the Insurance Company in MFA.No.114/2024 is ***allowed*** and MFA.No.3180/2024 filed by the appellant/claimant is hereby ***dismissed***.
- ii. The judgment and award passed by the Tribunal dated 03.11.2023 in MVC.No.1390/2022 by the VIII Additional Small Causes Judge and ACMM, Member-MACT, Bengaluru is hereby modified holding that the claimant is entitled to total compensation of Rs.7,16,354/- along with interest @ 6% p.a.
- iii. Insurance company already deposited the 50% award amount before the tribunal. Therefore, the Insurance Company is directed to deposit balance compensation amount with interest at the rate of 6% p.a. within 1 month from the date of this order.



NC: 2026:KHC:11459
MFA No. 3180 of 2024
C/W MFA No. 114 of 2024

- iv. On such deposit, appellant/claimant is permitted to withdraw the entire amount along with interest on the said amount.

Sd/-
(P SREE SUDHA)
JUDGE

RCK
List No.: 1 Sl No.: 63