



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3182 OF 2024 (MV-I)

BETWEEN:

MAYAPPA GOWDA
S/O LATE BOMMEGOWDA,
AGED ABOUT 50 YEARS,
RESIDING AT NO 88, 20TH CROSS,
ITTAMADU, BANASHANKARI III STAGE,
BENGALURU-560 085.

...APPELLANT

(BY SRI. SHANTHARAJ K., ADVOCATE)

AND:

1. SHOBHADEVI S
S/O G JAYAPAL,
AGED MAJOR,
RESIDING AT NO 227,
11TH MAIN ROAD, AGS LAYOUT,
AREHALLI, SUBRAMANYAPURA,
BENGALURU-560 061.

2. THE MANAGER
CHOLA MS GENERAL INS,
NO 04, NINTH FLOOR LEVEL 06,
"GOLDEN HEIGHTS" COMPLEX,
59TH 'C' CROSS, RAJAJINGARA,
BENGALURU-560 010.

...RESPONDENTS

(BY SRI. B. PRADEEP., ADVOCATE FOR R2,
V/O DTD:23.03.2026 NOTICE TO R1 IS D/W)





THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 01.04.2024 PASSED IN MVC NO. 1649/2023 ON THE FILE OF THE IX ADDITIONAL SMALL CAUSES JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT-7, BENGALURU (SCCH-7), 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

Notice to respondent No.1 is dispensed with on memo filed today by learned counsel for the appellant.

2. This appeal is filed against the judgment and award dated 01.04.2024 passed by the IX ASCJ, Small Causes and Additional MACT, Bengaluru, in MVC No.1649 of 2023.

3. The injured claimant, aged 49 years, met with an accident on 10.02.2023 and filed a claim application claiming compensation of Rs.30,00,000/-. The Tribunal, considering the entire evidence on record, granted the compensation of Rs.5,44,651/- with interest at the rate of 6% per annum from the date of petition till realisation.



4. Aggrieved by the said order, this appeal is preferred by the appellant-claimant in which it is mainly contended that he was aged 49 years at the time of accident, working as an agriculturist and doing business and earning Rs.30,000/- per month, but the Tribunal erred in taking his income as Rs.16,000/- per month. It is stated that he was hospitalised for a period of 6 days and spent more than Rs.5,00,000/- towards medical expenses and suffered leftlower limb disability at 46% and whole body disability at 15%. It is further stated that he requires Rs.60,000/- for one ore surgery for the bone grafting. He is also entitled for future prospects and the amounts granted under other heads are on lower side. Interest is to be granted at the rate of 12% per annum. Therefore, requested for enhancement of the compensation.

5. Heard the Learned counsel appearing for both sides.

6. Though it is stated that petitioner was working as an agriculturist and doing business, earning Rs.30,000/- per month, he has not filed any proof of income. As he met with an accident in the year 2023, this Court finds that Tribunal has rightly considered the notional income as Rs.16,000/- per



month as per the chart prepared by Karnataka State Legal Services Authority. He was aged around 49 years and the multiplier is 13. Petitioner examined doctor as PW2 and he stated that the petitioner sustained fracture of the left distal femur, ORIF with LCP on 11.02.2023, unable to walk independently needs support unable to sit down, squat and sit cross leg. He stated that on examination, the petitioner walked with a stick, limping gait, healed scar over the lower left thigh, wasting of the left thigh muscles, restricted left knee movements. X-ray of the left distal femur shows non-union distal femur fracture with implant in-situ. The doctor assessed the disability for the left lower limb as 46% and the whole body disability as 15%. It is further stated that he requires one more surgery for bone grafting and the estimated cost of the same as Rs.60,000/-. Therefore, this Court finds it reasonable to take the disability as 18% for the purpose of calculation. Thus, the loss of future earning capacity comes to Rs.4,49,280/-(16000 X 12 X 13 X 18%).



7. The Tribunal granted an amount of Rs.1,80,051/- towards medical expenses as per Exhibit P9 and it is confirmed. Petitioner was hospitalized for a period of 6 days. Considering the nature of injuries, the period of hospitalisation and other relevant factors, this Court finds it reasonable to grant an amount of Rs.60,000/- for pain and suffering, Rs.30,000/- for loss of amenities, Rs.40,000/- for transportation, extra nourishment and attendant charges. Petitioner might not have attended any other work because for a period of 4 months and therefore, Rs.64,000/- (16,000 x 4) is to be granted under the head loss of income during the laid up period. This Court also finds it reasonable to grant an amount of Rs.60,000/- towards future medical expenses. The total compensation comes to Rs.8,83,331/-.

8. Thus, in all, the claimant is entitled for the compensation of Rs.8,83,331/- with interest at 6% per annum as against Rs.5,44,651/- awarded by the Tribunal.

9. The award of compensation passed by the Tribunal is modified as under:



Heads	Amount in Rs.
1. Loss of future income	4,49,280/-
2. Medical expenses	1,80,051/-
3. Pain and Suffering	60,000/-
4. Loss of amenities	30,000/-
5. Transportation, extra nourishment and attendant charges	40,000/-
6. Loss of earning during the laid up period	64,000/-
7. Future medical expenses	60,000/-
Total	8,83,331/-

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

(i) Appeal is allowed in part.

(ii) The Claimant is entitled for the total compensation of Rs.8,83,331/- with interest at 6% per annum from the date of petition till the date of realization.

(iii) The respondent insurance company has already deposited the award amount before the Tribunal, and therefore, they are directed to deposit the enhanced amount of Rs.3,38,680/- with interest at 6% per annum within one month from the date of this order.



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(iv) On such deposit, the claimant is permitted to withdraw the entire amount along with the interest accrued on it.

Sd/-
(P SREE SUDHA)
JUDGE

CS
CT:NR
List No.: 1 Sl No.: 1