



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.6689/2018 (MV-I)

BETWEEN:

SMT. KONNAMMA
W/O LATE MADEGOWDA
AGED ABOUT 55 YEARS
R/O PUNAJANUR GATE
CHAMARAJANAGAR TALUK-571313
PRESENTLY R/A C/W KUMAR
KAMAGERE, KOLLEGAL TALUK
CHAMARAJANAGAR DIST-571313.

...APPELLANT

(BY SRI. HARSHA S.P. ADV.,)

AND:

1. SRI. SANTHOSHKUMAR K.M.
S/O MANCHEGOWDA K.C.
MAJOR, R/O NO.H, KODIHALLY
MALLIGERE POST, KASABA HOBLI
MANDYA TALUK
MANDYA DIST-571430.
2. THE DIVISIONAL MANAGER
THE IFFCO-TOKIO GENERAL INSURANCE CO LTD
NO.846, NEWKANTHARAJAURS ROAD
ABOVE SRI BAKERY, AKSHAYA BHANDAR
KUVEMPUNAGAR, MYSURU-571001

...RESPONDENTS

(BY SRI. D. VIJAY KUMAR, ADV., FOR R2
V/O/DTD:31.05.2024 NOTICE TO R1 D/W)



THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED:31.01.2017 PASSED IN MVC NO.331/2015 ON THE FILE OF THE SENIOR CIVIL JUDGE, JMFC, KOLLEGAL, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR FINAL HEARING, 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 seeking for higher compensation challenging the judgment and award dated 31.01.2017 passed in MVC.No.331/2015 by the Senior Civil Judge and JMFC, Kollegal, (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.Harsha S.P., learned counsel appearing for the appellant submits that the Tribunal has erred in assessing the income and disability of the appellant, and awarded meager compensation under the heads of pain



and suffering and other heads. It is submitted that the appellant was hospitalized as an inpatient for a period of 10 days and as per the evidence of CW1, the disability has been assessed at 30%. He therefore seeks to reassess the income, disability and enhance the award of compensation appropriately under all other heads and seeks to allow the appeal.

4. Per contra, Sri.D.Vijay Kumar, learned counsel for respondent No.2 supports the impugned judgment and award of the Tribunal and submits that the appellant has not produced any proof of income before the Tribunal. It is submitted that the appellant sustained fractures, as evident from Ex.P5 and considering the said fractures, assessment of 10% disability is itself on the higher side. It is further submitted that the award of compensation by the Tribunal under all other heads is just and proper and there is no scope for enhancement. Hence, he seeks to dismiss the appeal.



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

6. It is not in dispute that in a road accident dated 25.08.2015 the appellant sustained following fractures:

- "i) Y shape lacerated wound over left parietal scalp.*
- ii) Left clavicle fracture and pain left chest.*
- iii) Lacerated wound over left knee and back side."*

7. The records indicate that the appellant was an inpatient from 25.08.2015 to 04.09.2015 for a period of 10 days. To substantiate the claim petition, the injured appellant examined herself as PW1 and also got examined the doctor as CW1, who assessed the disability of the injured at 30% to a particular limb and 10% to the whole body. The Tribunal, considering the same has rightly assessed the disability at 10%. It is also not in dispute that the appellant failed to produce any evidence to substantiate the income. Accordingly, the income of the appellant is notionally assessed at Rs.9,000/- per month by placing reliance on the notional income chart prepared



by KSLSA. It is not in dispute that the claimant was aged about 65 years at the time of the accident; hence, the appropriate multiplier would be 7, 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:

$$\text{Rs.9,000} \times 12 \times 7 \times 10\% = \textbf{Rs.75,600/-}.$$

8. The award of compensation by the Tribunal towards medical expenses remains unaltered. However, taking note of the oral and documentary evidence and considering the nature of treatment provided for the injuries suffered by the appellant, 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. The appellant is entitled to the modified compensation as under:



HEADS	AMOUNT (in Rs.)
Pain & suffering	40,000
Loss of amenities	40,000
Medical expenses	3,280
Loss of income during laid-up period (Rs.9,000 X 3)	27,000
Loss of future income due to disability	75,600
Towards conveyance, attendant charges, food and nourished food	20,000
Total	2,05,880

Thus, the appellant-claimant shall be entitled to total compensation of **Rs.2,05,880/-** as against Rs.1,12,680/- 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.2,05,880/-** as against Rs.1,12,680/- 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) Draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 24