



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.4855/2020 (MV-I)

BETWEEN:

MANJUNATH
S/O LATE SIDDEGOWDA
AGED 40 YEARS
R/AT BACHANAHALLI VILLAGE
CHATRA HOBLI
NANJANGUD TALUK
MYSURU DISTRICT.

...APPELLANT

(BY SRI. SYED ABDUL SABOOR, ADV.,)

AND:

1. YELLAPPA SHIRAGUPPI
S/O BASAVANEPPA
AGED ABOUT 43 YEARS
R/AT 213, DEVALINGANAKOPPA
KALAGATTIGI TALUK
DHARWAD.
2. THE MANAGER
M.S. CHOLAMANDALAM GENERAL
INSURANCE LTD
SEETHAVILASA ROAD
IN FRONT OF SADVIDYA SCHOOL
NEAR JAGAN MOHAN PALACE
MYSURU-570001.

...RESPONDENTS

(BY SRI. H.S. LINGARAJ, ADV., FOR R2)





THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 23.03.2020 PASSED IN MVC NO.1373/2017 ON THE FILE OF THE JUDGE, PRL. COURT OF SMALL CAUSES, MYSURU AS A PRESIDING OFFICER, MACT, MYSURU, 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/claimant seeking enhancement of compensation being aggrieved by the judgment and award dated 23.03.2020 passed in MVC.No.1373/2017 by the Judge, Principal Court of Small Causes and MACT, Mysuru, (for short, 'Tribunal').

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

3. Sri.Syed Abdul Saboor, learned counsel for the appellant submits that the Tribunal has committed error in assessing the income of the appellant-injured at



Rs.9,000/- per month and seeks to re-assess the same at Rs.11,000/- per month considering the notional income chart prepared by KSLSA. He further submits that the appellant was in-patient for 24 days. Hence, taking note of the evidence on record, the compensation under all other heads is also required to be enhanced appropriately by allowing this appeal.

4. Per contra, Sri.H.S.Lingaraj, learned counsel for the respondent-Insurance Company supports the impugned judgment and award of the Tribunal and submits that no proof of income was placed before the Tribunal, hence, the Tribunal, considering the pleading and evidence, has awarded just and fair compensation, which does not call for any modification. Hence, he seeks to dismiss the appeal.

5. I have heard the arguments of the learned counsel appearing on both the sides and meticulously



perused the material available on record including the Tribunal records.

6. The appellant as well as respondent-Insurance Company do not dispute that in the road accident that occurred on 04.12.2017, the appellant sustained fracture as is evident from the discharge summary as per Ex.P10 and other medical evidence on record. The appellant is not disputing the assessment of the disability at 12% by the Tribunal. The Tribunal, considering the pleadings, assessed the income of the appellant-injured at Rs.9,000/- per month. Admittedly, no proof of income was placed before the Tribunal. Hence, the income of the appellant-injured is re-assessed at Rs.11,000/- per month placing reliance on the notional income chart prepared by KSLSA. It is evident from the records that the appellant was in-patient for about 24 days in the hospital and provided treatment for the injury suffered by him in the aforesaid road accident. Considering the said aspects and in the absence of any dispute regarding the liability and disability



assessed by the Tribunal, I am of the considered view that the compensation awarded by the Tribunal is required to be re-assessed appropriately. Hence, the appellant is entitled to compensation under the head of loss of future income due to disability as under:

$$\text{Rs.11,000} \times 12 \times 15 \times 12\% = \textbf{Rs.2,37,600/-}.$$

7. Further, the appellant would be entitled to compensation of **Rs.20,000/-** towards food, nourishment and attendant charges; **Rs.33,000/-** (Rs.11,000 X 3) towards loss of income during laid-up period; **Rs.45,000/-** towards pain & suffering; **Rs.45,000/-** towards loss of amenities of life. The compensation awarded by the Tribunal **Rs.87,000/-** towards medical expenses and **Rs.30,000/-** towards future medical expenses is unaltered. Thus, the appellant would be entitled to modified compensation as under:



HEADS	AMOUNT (in Rs.)
Medical expenses	87,000
Food, nourishment and attendant charges	20,000
Loss of income during laid up period	33,000
Pain & suffering	45,000
Loss of future income due to disability	2,37,600
Loss of amenities of life	45,000
Future medical expenses	30,000
Total	4,97,600
Rounded off to	4,98,000

Thus, the appellant-claimant shall be entitled to a total compensation of **Rs.4,98,000/-** as against Rs.4,35,000/- awarded by the Tribunal.

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

ORDER

- a) Appeal is ***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 a total compensation of **Rs.4,98,000/-** as against Rs.4,35,000/- 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) The entire compensation amount shall be released in favour of the appellant-claimant.
- f) Registry shall transmit the records to the Tribunal forthwith.
- g) Registry to draw modified award accordingly.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE