



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 3883/2025 (MV-I)

BETWEEN:

1. MANJUNATHA P
S/O PERUMAL P,
AGED ABOUT 27 YEARS,
R/O HOUSE NO.132,
2ND MAIN ROAD,
NEAR MARUTHI MANDHIRA,
MAARENAHALLI,
VIJAYANAGARA,
BANGALORE NORTH, 560040

PRESENT ADDRESS,
C/O JAYANNA'S HOUSE,
VIVEK NAGARA,
HASSAN DISTRICT-573201

...APPELLANT

(BY SRI. GIRISH B BALADARE.,ADVOCATE)

AND:

1. THE DIVISIONAL MANAGER
K.S.R.T.C.,
MANGALORE DEPOT,
MANGALORE DENISON- 575001

REPRESENTED BY.
THE DIVISIONAL MANAGER,
HASSAN DIVISION,
HASSAN-573201

2. SATHYANARAYANA K.,
S/O LATE KIRISHNAMURTHY,
NO.56, 1ST A CROSS,
SUBBANNA GARDEN,
VIJAYANAGARA,





NC: 2026:KHC:11307
MFA No. 3883/2025

BANGALURU-40

3. THE MANAGER,
M/S ROYAL SUNDARAM GENERAL
INSURANCE COM. LTD
NO.30, J.N.R.C.T. CENTER,
RAJARAM MOHAN ROY ROAD,
SAMPANGIRAMA NAGAR,
BANGALORE DISTRICT-560027

...RESPONDENTS

(BY SRI. K NAGARAJA.,ADVOCATE FOR R1;
NOTICE TO R2 AND R3 IS D/W V/O/DATED 06.08.2025)

THIS MFA FILED U/S.173(1) OF MV ACT, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DT.01.04.2025 PASSED IN MVC NO.314/2020 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN, 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 MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

Heard the arguments on both sides.

2. This appeal is filed against the award of the Tribunal in MVC No.314/2020 dated 01.04.2025. Injured/claimant met with an accident on 25.10.2019 and filed claim petition claiming compensation of Rs.20,00,000/-. The Tribunal considering the entire evidence on record, granted an amount of Rs.6,74,973/- with interest at the rate of 6% per annum from date of petition till realisation. Aggrieved by the said judgment and award, the appellant preferred this appeal and mainly contented that he



was inpatient for 5 days. PW.2/the doctor in his evidence stated that the disability of the right lower limb as 32% and right upper limb as 11% and the total disability assessed by him for both limbs is 43%. Appellant was a driver and carrying business and earning Rs.20,000/- per month, but the Tribunal granted meager amounts under the other heads and thus, requested for enhancement of the compensation.

3. Though it is stated that appellant/claimant was earning Rs.20,000/- per month, he has not filed any income proof. As he met with an accident in the year 2019, his notional income has to be taken as Rs.14,000/- per month as per the chart prepared by the Karnataka State Legal Services Authority. He was aged 24 years as per the Wound certificate and the multiplier is '18'.

4. As per Ex.P4/wound certificate, he sustained following injuries which are grievous in nature:

- "i. Conscious and oriented.
- ii. CLW over forehead 3x2x1.
- iii. Abrasion over (Rt) neck region
- iv. Tenderness, deformity, and swelling present over (Rt) femur
- v. Swelling and tenderness present over (Rt) wrist."



5. The doctor, who is examined as PW.2, it is stated that appellant/claimant sustained following injuries are as follows:

"That petitioner sustained right thigh and right hand bone were fracture and head injury and he also sustained fracture of shaft femur on the right side and fracture of the distal radius styloid process and the right side and a mild head injury. The injured was treated with CRIF with an interlocking nail for the right femur and closed reduction with cast application for the right wrists."

6. The doctor noticed that right hip movements were restricted and painful, the right wrist movements were stiff and painful, and the he was unable to squat or sit cross-legged. An X-ray was taken, which showed fracture union. The doctor assessed permanent disability suffered by the petitioner as 32% for right lower limb and 11% for the right upper limb. Total disability of the petitioner at 43% and he issued disability certificate. $\frac{1}{3}^{\text{rd}}$ of 43% comes to 14.33%. Therefore, the loss of 'future earning capacity' comes to Rs.4,23,360/- (14,000 x 12 x 18 x 14%). Appellant incurred medical expenses of Rs.1,86,677/- as per Exs.P6 medical bills. He was hospitalized



for a period of 5 days. Considering the nature of occupation, period of hospitalisation, nature of injuries and other relevant factors, this Court finds it appropriate to grant an amount of Rs.50,000/- for 'pain and suffering', Rs.25,000/- for 'loss of amenities' and Rs.30,000/- for 'transportation, extra nourishment and attending charges'. Appellant might not have attended any other work at least for a period of 3 months. Therefore, Rs.42,000/- ($14,000 \times 3 = 42,000$) has to be awarded under the head 'loss of income during the laid up period'. The Tribunal also granted Rs.10,000/- towards 'future medical expenses' and it is confirmed. Thus, in all components awarded by this Court are as below:

Sl. No.	Particulars	Amount (Rs.)
1.	Loss of future income	4,23,360/-
2.	Medical expenses	1,86,677/-
3.	Pain and sufferings	50,000/-
4.	Loss of amenities	25,000/-
5.	Transportation, food and nourishment, conveyance	30,000/-
6.	Loss of income during laid up period	42,000/-
7.	Future medical expenses	10,000/-



	Total	7,67,037/-
	Tribunal awarded	6,74,977/-
	Enhanced amount	92,064/-

7. Therefore, the compensation is enhanced to **Rs.92,064/-** as against the compensation awarded by the Tribunal with interest at the rate of 6% per annum.

8. The insurance company already deposited the awarded amount before the tribunal. Therefore, respondent No.3 is directed to deposit the enhanced compensation of Rs.92,064/- at the rate of 6%. In the result, I pass the following:

ORDER

- i. Miscellaneous First Appeal ***allowed in-part.***
- ii. Judgment and award dated 01.04.2025 passed in M.V.C. No.314/2020 on the file of the V Additional District & Sessions Court At Hassan is modified;
- iii. The appellant-claimant is entitled for enhanced compensation of Rs.92,064/- along with interest at the rate of 6% per



annum from the date of petition till the date of realisation;

- iv. The respondent No.3-Insurance Company is directed to deposit the enhanced compensation of Rs.92,064/- with interest at the rate of 6% per annum within one month from the date of this order;
- v. On such deposit, the appellant-claimant is permitted to withdraw the entire amount along with interest accrued on the same;

Sd/-
(P SREE SUDHA)
JUDGE