



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO. 7744 OF 2012 (MV)

BETWEEN:

GIRISH
S/O NANJUNDAPPA,
AGED ABOUT 23 YEARS,
AGRICULTURIST,
R/O RANGAPURA,
HIRIYUR TALUK,
NOW R/AT THIPPA REDDY NAGAR,
CHITRADURGA -577 501

...APPELLANT

(BY SRI. B L KUMAR, ADVOCATE)

AND:

1. H PARAMASHIVAMURTHY
S/O HANUMATHAPPA,
AGED ABOUT 43 YEARS,
OWNER OF TRACTOR TRAILER
REG. NO. KA-16/T- 5485-5486,
R/O VEDAVATHI NAGAR,
ANNIS SCHOOL,
HIRIYUR TOWN,
CHITRADURGA DISTRICT- 572143
2. THE DIVISION MANAGER
UNITED INDIA INSURANCE CO.LTD
DIVISIONAL OFFICE,
MMK COMPLEX,
AKKAMAHADEVI ROAD,
P J EXTENSION,





DAVANAGERE

...RESPONDENTS

(BY SRI. ANUP SEETHARAMA RAO, ADVOCATE FOR
SRI. B C SEETHARAMA RAO, ADVOCATE FOR R2
NOTICE TO R1 IS DISPENSED WITH V/O DTD 3.6.2015)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 15.12.2011 PASSED IN MVC NO.766/2010 ON THE FILE OF THE 2ND ADDITIONAL SENIOR CIVIL JUDGE, MACT-VI, CHITRADURGA, 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 C.M. POONACHA

ORAL JUDGMENT

1. The above appeal is filed by the claimant under Section 173(1) of the Motor Vehicles Act, 1988 challenging the judgment and award dated 15.12.2011 passed in MVC No.766/2010 by the II Addl. Senior Civil Judge & MACT-VI, Chitradurga¹, wherein the Tribunal has partly allowed the claim petition and awarded a total compensation of ₹1,49,800/- together with interest at 6% pa. The present appeal is filed seeking enhancement of compensation.

¹ Hereinafter referred to as 'Tribunal'



2. The findings of the Tribunal on negligence and liability are not under challenge and have attained finality. Hence, the only aspect that is required to be considered in the present appeal is with regard to the adequacy of the quantum of compensation awarded by the Tribunal.

3. The claimant was aged 21 years as on the date of the accident i.e., as on 20.09.2009. The claimant is stated to be an agriculturist. However, no documents have been produced to demonstrate his income. The Tribunal has assessed the income of the claimant at ₹3,000/- per month. Having regard to the date of the accident, the income of the claimant is re-assessed as ₹5,000/- per month.

4. The claimant had sustained compound fracture of the right tibia and other simple injuries. The claimant was treated as an inpatient from 21.09.2009 to 09.11.2009 and once again from 09.11.2009 to 09.03.2010 i.e., for a total period of 138 days. The Doctor has deposed that the claimant has sustained disability of 30% to 35% to the limb. The Tribunal has assessed the disability to the whole body at 10%.



5. Having regard to the aforementioned, the compensation is re-assessed as under:

5.1. The compensation towards pain and suffering in a sum of ₹20,000/- and medical expenses of ₹50,000/- awarded by the Tribunal is just and proper;

5.2. Having regard to the period of treatment, the laid up period is taken as six months and the loss of income is assessed as (₹5,000/-x6) ₹30,000/-, as against ₹5,000/- awarded by the Tribunal;

5.3. Having regard to the nature of injuries sustained and the period of treatment, the compensation towards conveyance and attendant charges is re-assessed as ₹25,000/- as against ₹5,000/- awarded by the Tribunal;

5.4. Having regard to the nature of injuries and the resultant disability, the loss of amenities is re-assessed as ₹20,000/- as against ₹5,000/- awarded by the Tribunal;

5.5. Loss of future earning capacity is re-assessed as (₹5,000/- x 12 x 18 x 10%) ₹1,08,000/-.



6. Hence, the compensation is re-assessed as under:

Sl.No	Compensation Head	Amount Awarded by the Tribunal (₹)	Amount awarded by this Court (₹)
1	Pain and suffering	20,000.00	20,000.00
2	Loss of future income due to disability	64,800.00	1,08,000.00
3	Loss of income during laid up period	5,000.00	30,000.00
4	Medical expenses	50,000.00	50,000.00
5	Loss of future amenities	5,000.00	20,000.00
6	Conveyance, traveling expenses, attendant charges, diet etc.,	5,000.00	25,000.00
	Total	1,49,800.00	2,53,000.00

7. Accordingly, the claimant is entitled to enhanced compensation of (₹2,53,000/- – ₹1,49,800/-) = ₹1,03,200/-.

8. In view of the aforementioned, the following:

ORDER

- i) The appeal is allowed in part;
- ii) The judgment and award dated 15.12.2011 passed in MVC No.766/2010 by the II Additional Senior Civil Judge & MACT - VI, Chitradurga is hereby modified to the extent ordered herein. In all other respects, the judgment and award of the Tribunal remains unaltered;



- iii) The appellant/claimant is entitled to enhanced compensation of ₹1,03,200/- together with interest at 6% per annum from the date of petition till its realization in addition to the compensation awarded by the Tribunal;
- iv) Respondent No.2 – insurer is directed to deposit the said compensation together with accrued interest within a period of six weeks from the date of receipt of a copy of this judgment;
- v) Upon such deposit, the entire enhanced compensation together with interest accrued thereupon be disbursed to the claimant;
- vi) The Registry to draw the modified award accordingly;

No costs.

Sd/-
(C.M. POONACHA)
JUDGE